

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of April 20, 2021

RESOLUTION NO. 21-39

**RESOLUTION RESCINDING RESOLUTION NO. 97-31 AND ADOPTING A PROCEDURE FOR THE CORRECTION OF DAMAGED OR DEFECTIVE SIDEWALKS PURSUANT TO STREETS AND HIGHWAY CODE SECTION 5600-5630.**

**WHEREAS**, the maintenance of sidewalks in such condition that the sidewalk will not endanger person or property is vital to the health and safety of the citizens of the County of Humboldt;

**WHEREAS**, the maintenance of sidewalks in a condition which will not interfere with the public convenience in the use of said sidewalks is vital to the health and safety of the citizens of the County of Humboldt;

**WHEREAS**, the duty to repair and maintain the sidewalk is the responsibility of the property owner fronting the sidewalk;

**WHEREAS**, Attachment 1 here to and incorporated herein by reference, sets for the procedures for the repair and maintenance of the sidewalk;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors hereby finds and determines as follows:

1. Resolution No. 97-31, as adopted by the Humboldt County Board of Supervisors on March 4, 1997, is hereby rescinded.
2. That all of the recitation made hereinabove are true and correct.
2. The Attachment 1 hereto and incorporated herein by reference is hereby approved and adopted by the Board of Supervisors as the procedure for the maintenance and repair of sidewalks in the County Maintained Road System.
3. That the Director of the Department of Public Works is authorized and directed to implement the procedures for sidewalk repair and maintenance as set forth in Attachment 1.


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RESOLUTION NO. 21-39

Dated: April 20, 2021

  
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Virginia Bass, Chair  
Humboldt County Board of Supervisors

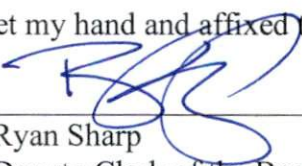
Adopted on motion by Supervisor Wilson, seconded by Supervisor Madrone, and the following vote:

AYES:	Supervisors	Bohn, Bass, Madrone, Bushnell, Wilson
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA    )  
County of Humboldt    )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

  
\_\_\_\_\_  
Ryan Sharp  
Deputy Clerk of the Board of Supervisors  
of the County of Humboldt, State of California

# ATTACHMENT 1

## COUNTY OF HUMBOLDT PROCEDURE FOR THE CORRECTION OF DAMAGED AND DEFECTIVE SIDEWALKS

### INTRODUCTION

This information is intended to assist citizens in understanding the necessary steps to correct damaged or defective sidewalks within the County of Humboldt (hereinafter referred to as "County"). This document explains why sidewalk repairs are necessary, the laws that exist to enforce the repair of sidewalks, and procedures to assure that damaged sidewalks are repaired. **These procedures only apply to sidewalks in the County Maintained Road System.**

If you are interested in notifying the County that a sidewalk is damaged or defective, whether or not it fronts your property, please phone the Department of Public Works at (707) 445-7421 and provide staff with a description and the location of the problem. Or you can make a report online at <https://humboldt.gov/FormCenter/Public-Works-12>.

### THE NEED FOR SIDEWALK REPAIRS

Damaged or defective sidewalks:

- pose a threat to pedestrians and other users
- cause injuries
- present a liability to property owners
- lead to damage to streets and private property through water leaking into sidewalk cracks
- can result in substantial costs to both County and property owner alike

Damaged sidewalk might also result in non-compliance with the Americans with Disabilities Act (ADA). All repair work must comply with the ADA.

What is considered "damaged or defective" sidewalk? Following is a partial list of examples that are reported. Questions can be answered by the Land Use Division at (707) 445-7205.

- Uplifting from trees or settling that causes a cross slope in excess of 2%. [California Building Code Section 11B-403.3; PROWAG Section R302.6]
- Running slope greater than the grade of the road AND in excess of 5% AND caused by uplifting or settling. [California Building Code Section 11B-403.3; PROWAG Section R302.5]
- Change of level in excess of 1/2 inch. [Building Code Section 11B-303.1; PROWAG Section R302.7.2]
- Change of level in excess of 1/4 inch, but less than 1/2 inch, without a 2:1. (horizontal to vertical) bevel for that portion in excess of 1/4 inch. [California Building Code Section 11B-303.3; PROWAG Section R302.7.2]
- Cracks or separation of concrete panels greater than 1/2 inch. [California Building Code Section 11B-302.3; PROWAG Section R302.7.3]



## LAWS RELATING TO SIDEWALK REPAIR

Reducing costs is not the only justification for sidewalk repairs. Repairs are also a requirement of state and local laws. Historically, the Improvement Act of 1911 ("1911 Act") forms the framework from which existing requirements originate. The 1911 Act is still in effect today. State codes exist to enforce the 1911 Act. California Streets and Highway Code (SHC), sections 5600 through 5630, establishes the procedural and enforcement details to accomplish the enforcement of the 1911 Act. These procedures are based on that code.

By law, the term "sidewalk" includes curbs, parking strips, landscape strips, and retaining walls.

## SIDEWALK REPAIRS PAID FOR BY THE COUNTY OF HUMBOLDT

Sidewalk repairs are primarily the responsibility of the fronting property owner, however, in some instances, the County bears the costs of sidewalk repairs. The following is a comprehensive list of those particular circumstances:

- Curb returns (the curved portion of a sidewalk) at street intersections when damaged by impact from vehicles.
- Curb ramps for pedestrians.
- Damage from failed County storm drain pipes and culverts.
- Sidewalks that front property owned by the County.

## PROCEDURES TO ASSURE DAMAGED SIDEWALKS ARE REPAIRED

Pursuant to the 1911 Act and SHC, maintenance of sidewalks is the responsibility of the fronting property owner. If sidewalk damage is caused by tree roots, the fronting property owner is still responsible for repairing the sidewalk, regardless of who planted the tree. Note that removal of a street tree may be subject to the Public Works *Department Policy for the Preservation of Street Trees*. See last page.

1. **First Notice:** When Public Works is aware of a damaged or defective sidewalk, they will notify the property owner of record of the need to repair by mail, by a posting on the subject property, or both.
2. **Permit:** A no-cost Encroachment Permit must be obtained from Public Works (707) 445-7205 prior to beginning work. A permit application is available [online](#). Staff will meet with you on site to make sure you and your contractor know exactly what work needs to be done.
3. **Repairs:** Repairs are to be commenced by the owner or their contractor within two weeks of receiving the First Notice.
4. **Second Notice:** Public Works will again notify the property owner of the need to repair the sidewalk, not less than seven (7) days nor more than ten (10) days after the mailing of the First Notice.
5. **County contractor:** If the property owner refuses to make repairs, the County will hire a licensed contractor to make the repairs.
6. **Requested additional work:** The property owner may submit a written request to Public Works for additional improvements on the sidewalk fronting their property, the cost of which will be added to their bill.

7. **Report:** Public Works will prepare a report of the repairs made, the contractor's actual cost, plus county labor with the current overhead rate approved by the Board of Supervisors, and any other associated costs or fees.
8. **Notice of Cost:** Public Works will send a notice of the cost of repair to the property owner, requesting payment. This notice will include the date of the hearing when the Board of Supervisors will consider the Public Works report. The property owner may attend and/or speak at the hearing.
9. **Hearing:** The Board of Supervisors will receive the report from Public Works, listen to the property owner's input, if any, and consider corrections or modifications to the report. The Board may confirm the report as submitted.
10. **Payment or Assessment:** If the report is confirmed, charges are to be paid by the property owner within five (5) days or as otherwise determined by the Board of Supervisors. Unpaid charges will constitute a special assessment against that parcel and shall be a lien on the property. The lien will be added to the next regular property tax assessment bill.

It is important to understand that should the County undertake the repair of the subject sidewalk, the costs for the repairs include the "prevailing wage" rate of pay, which is normally higher than the rate charged when under contract to private individuals. The County's current overhead charge will be assessed to cover the cost of County personnel time to coordinate and inspect the work performed by a contractor, and additional administrative and recording fees may be charged. When the sidewalk construction is finished, the affected property owner(s) will be billed for the repairs. In general, requesting the County to undertake the repairs will result in higher costs to the property owner.

#### **TEMPORARY MEASURES FOR WHICH THE PROPERTY OWNER IS RESPONSIBLE**

- When damage is noticed, and the change of level is less than one inch (1") the property owner shall either: 1) install asphalt to smooth out the transition as a temporary measure until the sidewalk is repaired, or 2) barricade the sidewalk in conformance with the California Manual of Uniform Traffic Control Devices until the sidewalk is repaired.
- When damage is noticed, and the change of level is greater than one inch (1") or the damage poses an immediate hazard to the public, the property owner shall barricade the damaged sidewalk in conformance with the California Manual of Uniform Traffic Control Devices until the sidewalk is repaired.
- Protect new concrete from vandalism.
- Follow the County's Street Tree Policy (see last page).

// END //