

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF AMENDING }
TURLOCK MUNICIPAL CODE }
TITLE 7, CHAPTER 2 REGARDING }
MAINTENANCE OF CURBS, GUTTERS, }
SIDEWALKS, CURB CUTS, AND }
DRIVEWAY APPROACHES }
_____ }

ORDINANCE NO. 1219-CS

BE IT ORDAINED by the City Council of the City of Turlock as follows:

SECTION 1. AMENDMENT: Title 7, Chapter 2, Article 6, Section 01, is hereby amended to read as follows:

7-2-601 Maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches.

(a) Anything in this Code to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming, and collection of assessments for the cost and expenses of said maintenance and repair may be done and the proceedings therefor may be had and taken in accordance with Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of said Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State and this Code, the provisions of this Code shall control.

(b) The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs, gutters, curb cuts, and driveway approaches and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City of Turlock's costs of inspection and administration or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

(c) Maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover, and trimming shrubs within the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area.

(d) The City Manager or his designee may in his or her discretion, and for sufficient cause, extend the period in which required maintenance and repair of sidewalk areas must commence by a period of not to exceed ninety (90) days.

(e) The property owner required under this section to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in such a nondangerous condition as required, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury.

(f) In conjunction with any sale or transfer of real property and using the Local Option Real Estate Transfer Disclosure Statement form set forth in Civil Code Section 1102.6a, the seller/transferor shall provide notice of the maintenance and repair obligations set forth in this Article to the buyer/transferee. The Notice shall, at a minimum, include the following language:

The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs, gutters, curb cuts, and driveway approaches and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City of Turlock's costs of inspection and administration or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

(g) To provide all property owners with notice of his/her obligation to maintain and repair his/her sidewalk area as set forth in this Article, the ordinance codified in this Chapter shall be recorded with the County Clerk of the County of Stanislaus.

SECTION 2. VALIDITY: If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Turlock City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

SECTION 3. ENACTMENT: Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

SECTION 4. OPERATIVE DATE: The amendments set forth in this Ordinance, specifically Section 7-2-601 subsections (f) and (g), shall become operative on July 1, 2016.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 12th day of January, 2016, by the following vote:

AYES: Councilmembers DeHart, Nascimento, Bublak, Jacob and Mayor Soiseth

NOES: None

NOT PARTICIPATING: None


ABSENT: None

Signed and approved this 12th day of January, 2016.




GARY SOISETH, Mayor

ATTEST:



Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

The foregoing is a correct copy of the original on file in this office which has not been revoked and is now in full force and effect.



Kellie E. Weaver,
City Clerk of the City of Turlock,
County of Stanislaus, State of California

