

STAFF REPORT

DATE: April 7, 2026

TO: City Council

FROM: Inder Khalsa, City Attorney
Stan Gryczko, Assistant City Manager

SUBJECT: Introduction of Ordinance Adding Article 35.09 to Chapter 35 of the City's Municipal Code Related to Responsibility and Maintenance of Sidewalks and Brief Update on Sidewalk Inspection Program

Recommendation

1. Introduce an Ordinance (Attachment 1) adding Article 35.09 to Chapter 35 of the Davis Municipal Code, delineating responsibility for sidewalk maintenance and repair, and finding the ordinance exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Sections 15301 and 15061(b)(3); and
2. Receive a brief update from staff on the City's Sidewalk Inspection Program.

Fiscal Impact

The costs associated with this ordinance amendment are within the current operating budget of the Public Works Utilities & Operations. This amendment has the potential to save General Fund-supported staff time, as staff will no longer be responsible for conducting all sidewalk repairs. Additionally, the amendments would allow the City to charge property owners for the costs incurred to maintain sidewalks if the property owner fails to perform their duty, which could generate revenue for the City (to be utilized for the overall sidewalk program). Costs associated with outreach and educational materials regarding this amendment are also within the budget of Public Works Utilities & Operations.

Council Goal(s)

This amendment supports the Council goal of maintaining high quality infrastructure and services.

Commission Input

Approval of this addition to the Municipal Code is a standard operating procedure, with the City Council providing direct authority for approval.

Background

In August 2025, City staff provided a report to Council which discussed the unmet needs for the maintenance of two City assets; specifically, City trees and sidewalks. As

part of that discussion, staff noted that although State law¹ places maintenance responsibility for sidewalks on the adjacent property owner when there is one, the City has traditionally accepted responsibility for maintenance and replacement of sidewalks that front private property. This is not a common practice in California, with most jurisdictions holding adjacent property owners in some capacity responsible for sidewalk maintenance and repairs. In order to change this practice, Council directed staff to return with an ordinance incorporating the State law into the City's Municipal Code and allowing the City to enforce State law, should they so choose.

Staff is dedicated to rolling out any changes to sidewalk management in a thoughtful manner. There will be programmatic and policy decisions to be made based on the adoption of this ordinance, in addition to outreach and educational programs to develop, before any changes to responsibilities can be implemented. Staff plans to return to City Council with proposals on how to address these programs and policies at a future date. It is anticipated that, with adoption of this ordinance, there will be no immediate changes to the current operations of the sidewalks program. Changes are likely to occur over the next two-year budget cycle, as policy discussions take place and program details are worked out.

Environmental Review

This Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Replacement or Reconstruction) and 15061(b)(3) in that this Ordinance calls only for the repair or replacement of existing sidewalks that have become damaged or are in need of repair. No new facilities are contemplated or required to be constructed as a result of the adoption of this Ordinance. Accordingly, it can be seen with certainty that there is no possibility the Ordinance will have a significant effect on the environment.

Sidewalk Inspection Program Update

With a kickoff on January 16, the City's new Sidewalk Accessibility for Everyone (SAFE) Program is underway. Sidewalks will be inspected on a 5-year rotating schedule based on existing City Council districts, with all sidewalks in one district undergoing inspection every fifth year. All hazards are identified, prioritized, and addressed in accordance with the City's current sidewalk inspections and maintenance policies. The goal is to complete all identified repairs within the calendar year; however, it is important to note that not all identified deficiencies can or will be addressed within this timeframe due to resource limitations within the Streets Division.



¹ California Streets and Highways Code, Chapter 22, Article 2, Repairs, Section 5610.

Since the Council meeting, sidewalk inspections in District 1 have been completed. A total of 240 hazards were identified and are now being addressed according to policy.

This proactive program complements the existing reactive program, which responds to reported hazards from citizens, City contractors, or other City staff. These reported hazards are inspected within 2 working days, and repairs are prioritized according to City policies. The reactive program will continue simultaneous to the SAFE program.

In both the proactive and reactive programs, all vertical hazards that are ½ inch or greater, cracks wider than 1 inch, and spalls (chips, holes, or missing concrete) greater than 2 inches wide and 1 inch deep will be temporarily identified with paint, cones, or barricades. The City aims to inspect each district and permanently repair all identified hazards within one calendar year, starting with inspections in January, and completing repairs by December. It is anticipated that, depending on available funding, the first 5-year cycle repair schedule may take longer than one year per district; however, funding should be sufficient once the second 5-year cycle begins.

Attachment

1. Ordinance adding Article 35.09 to Chapter 35 of the City of Davis Municipal Code

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS ADDING A NEW ARTICLE 35.09 (SIDEWALK MAINTENANCE, REPAIR) TO CHAPTER 35 (STREETS AND SIDEWALKS) OF THE DAVIS MUNICIPAL CODE TO ESTABLISH SIDEWALK MAINTENANCE AND REPAIR RESPONSIBILITIES

WHEREAS, broken, uneven, damaged, or otherwise deteriorated sidewalks create hazardous conditions for pedestrians, impede accessibility for users, and expose the public to unnecessary risks; and

WHEREAS, the timely maintenance and repair of damaged sidewalks is necessary to protect the health, welfare and safety of residents and visitors of the City of Davis; and

WHEREAS, Section 5610 of the California Streets and Highways Code provides that owners of property abutting sidewalks have a duty to maintain those sidewalks; and

WHEREAS, the City finds that owners of property abutting a sidewalk are often in the best position to know of unsafe conditions in the sidewalk and to initiate repairs or notify the City of the conditions; and

WHEREAS, other California municipalities, including Oakland, Sacramento, Elk Grove, and Vacaville, have adopted ordinances assigning responsibility to adjacent property owners for the maintenance and repair of sidewalks, including the associated costs; and

WHEREAS, the City Council desires to adopt an Ordinance clarifying and affirming the responsibilities of property owners to maintain and repair adjacent sidewalks, consistent with the California Streets and Highways Code and the practices of other municipalities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated into this Ordinance.

SECTION 2. Article 35.09 (Sidewalk Maintenance, Repair) is hereby added to Chapter 35 (Streets and Sidewalks) of the Davis Municipal Code to read as follows:

35.09.010 Purpose.

The purpose of this article is to require property owners to maintain and repair sidewalks adjacent to their property in a safe and non-dangerous condition. This article is intended to protect the health, welfare and safety of the city residents and visitors by establishing

regulations for the maintenance and repair of sidewalks consistent with the California Streets and Highways Code.

35.09.020 Definitions.

Defective sidewalk means a sidewalk where, in the judgment of the director, the vertical or horizontal line or grade is altered or displaced to the extent that a safety hazard exists, or the sidewalk is in such a condition as to endanger property or persons using the sidewalk in a reasonable manner, or is in such a condition as to interfere with the public convenience in the use thereof.

Director means the public works director of the City of Davis or designee.

Sidewalk or sidewalk area means that portion of the public street right-of-way, between the curb or curb line and the adjacent sidewalk or property line, including, but not limited to, curbs, gutters, parking strips, bulkheads, retaining walls, or other works for the protection of any sidewalk area. A sidewalk may be located on private property or may be located on public property that abuts private property.

Property owner or owner means and includes, without limitation, the fee owner(s) of real property, their agents, or the person(s) in possession of the real property.

35.09.030 Duty of property owner to repair and maintain sidewalk.

- (a) The property owner of lots or portions of lots adjacent to or fronting on any portion of a sidewalk shall repair and maintain the sidewalk in a safe and non-dangerous condition at the owner's cost and expense. The property owner shall have the duty to perform such repair and maintenance, whether or not the city has notified the property owner of the need for such repairs or maintenance or has performed similar repairs or maintenance in the past.
- (b) For the purposes of this article, maintenance and repair of the sidewalk shall include, but not be limited to, maintenance and repair of sidewalk surfaces including grinding, removal and replacement of sidewalk areas, repair and maintenance of curbs and gutters, removal and filling or replacement of planting 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 planting strips and curbs.
- (c) Notwithstanding the above, the property owner of lots or portions of lots adjacent to or fronting on any portion of a sidewalk shall not be responsible for sidewalk damage if the damage is caused by a utility structure, telephone pole or structure, storm drain, cable television structure, fire hydrant, or similar utility structure. For

this exception to apply, the property owner must have notified the appropriate utility company of any obvious damage or defects in the sidewalk.

35.09.040 Reserved.

35.09.050 Notice to repair sidewalk.

- (a) Where the director has actual knowledge of the existence of a defective sidewalk, the director may give written notice to repair the defective sidewalk to the owner of the lot, lots or portions thereof adjacent to or fronting on the defective sidewalk.
- (b) The director shall provide notice to repair to the owner in accordance with procedures set forth California Streets and Highways Code Sections 5611 through 5615.

35.09.060 Permits required for sidewalk repairs.

Prior to repairing the sidewalk, the owner shall obtain all permits as may be required by the city, including but not limited to an encroachment permit issued in accordance with Davis Municipal Code Section 35.01.040. The permit fee in connection with the repair and maintenance of sidewalks pursuant to this article shall be waived.

35.09.070 Failure to make required sidewalk repairs.

If the property owner does not repair the sidewalk as required by the notice provided pursuant to Section 35.09.050, the director may cause the repair work to be completed by the city. The director must provide the owner notice that the city will complete the repair work no less than twenty-four hours before commencement of the work. The cost of the city's work, including inspection costs and administrative overhead incurred by the city, will be assessed against the owner.

35.09.080 Assessment proceedings for sidewalk repair costs.

The procedure for collecting sidewalk maintenance and repair costs shall be in accordance with California Streets and Highways Code Sections 5616 through 5630.

SECTION 3. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Replacement or Reconstruction) and 15061(b)(3) in that this Ordinance calls only for the repair or replacement of existing sidewalks that have become damaged or are in need of repair. No new facilities are contemplated or required to be constructed as a result of the adoption of this Ordinance. Accordingly, it can be seen with certainty that there is no possibility the Ordinance will have a significant effect on the environment.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance or a summary thereof to be published as required by law.

SECTION 5. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

INTRODUCED on the 17th day of March, 2026, and PASSED AND ADOPTED by the City Council of the City of Davis on this [REDACTED] day of [REDACTED], 2026, by the following vote:

AYES:

NOES:

ABSENT:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk