

14-1.5 Maintenance and Repair of Sidewalks.

a. Anything in this Chapter to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming and collection of assessments for the cost and expense of said maintenance and repair may be done and the proceedings therefor may be had and taken in accordance with this Part and the procedure therefor provided in 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 of California and provisions of the Albany Municipal Code, the provisions of the Albany Municipal 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 and gutters, 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/or expenses therefor, including a charge for the City of Albany's costs of inspection and administration whenever the City awards a contract for such maintenance and repair and including the costs of collection of assessments for the costs of maintenance and repair under Subsection (a) of this Section or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

c. For the purposes of this Section, 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 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. No maintenance shall be performed on any sidewalk, curb, or gutter without first obtaining an encroachment permit from the City.

d. Notwithstanding the provisions of the State of California Streets and Highway Code or any subsequent amendments thereof, the Director may in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed seventy-four days from the time of any repair notice previously issued.

14-1.6 Liability for Injuries to the Public. The property owner required by this Chapter, and in particular Section 14-1.5, 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 non-dangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a non-dangerous condition as required by this Chapter, and in particular Section 14-1.5, 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.