

ORDINANCE NO. 2134

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING
SECTION 12.12.120 OF THE REDLANDS MUNICIPAL
CODE REGARDING LIABILITY FOR SIDEWALK
MAINTENANCE

WHEREAS, Section 5610 of the California Streets & Highways Code requires the owners of lots to maintain sidewalks abutting this property in such condition that the sidewalk will not endanger persons or property; and

WHEREAS, recent case law has interpreted Section 5610 of the Streets & Highways Code to mean that the lot owner owes the duty to maintain the sidewalk to the City of Redlands, and not to members of the public unless clear and unambiguous legislative language imposes such duty to members of the public; and

WHEREAS, Section 12.12.120 of the Redlands Municipal Code provides for maintenance responsibility of an adjoining landowner concerning street betterments; and

WHEREAS, Section 12.04.170 of the Redlands Municipal Code defines "street betterment" to include sidewalks; and

WHEREAS, the City Council of the City of Redlands is desirous of amending the Redlands Municipal Code to set forth in clear and unambiguous language that a property owner's duty to maintain street betterments, and specifically sidewalks, applies to both the City and to members of the public;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. Section 12.12.120 of the Redlands Municipal Code is hereby amended to read as follows:

"It is the duty of the owner of real property abutting a portion of a street improved by a street betterment (whether said street betterment was constructed, erected or made at the instance or request of such owner or any predecessor in interest of such owner, or not) to maintain said street betterment on such portion of such street abutting such owner's real property in such condition that the same shall not endanger persons or property, and to maintain the same in a condition which will not interfere with the

public convenience or safety in the use of such street betterment, sale and except as to those conditions created or maintained in, upon, along, across, under or over said street by any person other than the owner under and by virtue of any permit issued hereunder or any right to them granted by law or by the legislative body of the City, and such persons shall be under a like duty in relation thereto.

All owners of real property abutting a portion of a street improved by a street betterment or any other person designated in this section shall be liable to any person or property sustaining injury as a result of the real property owner or other person's failure to maintain a street betterment in such condition that will not endanger persons or property and will not interfere with the public convenience in the use of those areas."

Section 2. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in the City and thereafter this Ordinance shall take effect in accordance with law.

Mayor, City of Redlands

ATTEST:

City Clerk, City of Redlands

I, Lorrie Poyzer, City Clerk, City of Redlands, hereby
certify that the foregoing Ordinance was duly adopted by the
City Council at a regular meeting thereof held on the
_____ day of _____, 1991.

AYES:

NOES:

ABSENT:

ABSTAINED:

City Clerk