

12. STREETS, SIDEWALKS & PUBLIC PLACES

Title 12

Chapter 12.04

STREETS, SIDEWALKS AND PUBLIC PLACES

STREETS AND SIDEWALK MAINTENANCE

Chapters:

- 12.04** Streets and Sidewalk Maintenance
- 12.08** Encroachments
- 12.12** Miscellaneous Street and Sidewalk Use Regulations

Sections:

- 12.04.010** Maintenance responsibility and liability for injuries.

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The owners of lots or portions of lots fronting on any portion of a public street or place when that street is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a part or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger third persons or the general public.

Further by this chapter such adjacent landholders shall have a duty of care to third persons and the general public and express liability to third persons and the general public for sidewalk injuries, including but not limited to slips and falls and other injuries occurring because of such adjacent property owner's lack of maintenance of the sidewalks. (Ord. 132 § 1, 1998)

Chapter 12.08
ENCROACHMENTS

Sections:

12.08.010 Permit required.

12.08.020 Permit issuance.

12.08.010 Permit required.

All encroachments of every kind, nature or description (excluding public utilities) upon any city street without a permit issued in accordance with the provisions of Section 12.08.020, is prohibited. (Ord. 60 § 1, 1984)

12.08.020 Permit issuance.

A. The city engineer is authorized to issue road encroachment permits to persons applying therefor when he or she finds that its construction will not hinder, delay or interfere with the normal flow of traffic on said street or jeopardize the public safety. He or she shall use a form of permit as approved by the city and incorporate therein all conditions that are necessary to comply with the General Provisions Regulating Work Performed Under Encroachment Permits as established by the city, set out in subsection B of this section.

B. General Provisions Regulating Work Performed Under Encroachment Permits.

1. This permit is issued under, and is subject to, all laws and ordinances of agencies governing the encroachment herein permitted. See the following references:

STREET AND HIGHWAYS CODE

1. Division 1, Chapter 3 (State Highways)
2. Division 2, Chapter 2 (County Highways)

CITY OF AMADOR ORDINANCES

2. It is understood and agreed by the Permittee that, the performance of any work under this permit shall constitute an acceptance of all the provisions contained herein, and failure on the Permittee's part to comply with any provision will be cause for revocation of this permit. This permit is revocable on five (5) days' notice.

3. All work shall be done subject to the inspection of, and to the satisfaction of, the grantor. The Permittee shall leave the City Streets and

properties in a thoroughly neat, clean and useable condition, as much as is possible at the end of each work day, and at the completion of the encroachment granted herein.

4. The Permittee agrees by the acceptance of this permit to properly maintain any encroachment structure placed by him and to immediately re pair, at his own expense, any injury to any portion of the City Streets, or properties, which occurs as a result of the maintenance of the said encroachment structure.

5. The Permittee agrees that whenever future construction, reconstruction or maintenance work may require, the installation, provided for herein shall, upon request of the Grantor, be immediately moved by the Permittee at his sole expense.

6. No materials used for fill or backfill in the construction of the encroachment shall be borrowed or taken from within the City Streets or properties except by special permission of the Street Commissioner.

7. All work shall be planned and carried out so that there will be as little inconvenience as possible to the traveling public. No material shall be stacked within eight feet (8') of the edge of the pavement or travel way unless otherwise provided herein. Barricades shall be placed, with approved signs and lights at night, and flagmen shall be employed, all as may be required by the particular work in progress.

8. The Permittee, by the acceptance of this permit, shall assume full responsibility for all liability for personal injury or damage to property which may arise out of the work herein permitted or which may arise out of the failure of the part of the Permittee to do the work provided for under this permit. In the event any claim of such liability is made against the City of Amador City or any official or employee thereof, the Permit tee shall defend, indemnify, and hold them and each of them harmless for such claim.

9. Whenever necessary to secure permission from abutting property owners, such authority must be secured by the Permittee prior to starting work.

10. All backfill material is to be moistened as necessary and thoroughly compacted by mechanical means. If required by the Street Commissioner, such backfill shall consist of gravel or crushed rock. The Permittee shall maintain the surface over structures placed hereunder as may be necessary to insure the

return of the roadway to a completely stable condition. Permittees responsibility for said maintenance of stable condition shall continue for a period of one year. Wherever a gravel, crushed rock or asphalt surfacing is cut or damaged in the work of placing an encroachment structure, such material shall be replaced and the roadway shall be left in at least as good a condition as it was before the commencement of operations of placing the encroachment structure.

11. The Permittee may be required to repair City facilities which may be damaged as a result of the work performed under this permit.

12. All costs for conforming to the requirements of this permit shall be the responsibility of the permittee.

13. Immediately following the completion of the construction permitted herein, the Permittee shall notify the City Engineer that the subject works are ready for final inspection. The Permittee shall pay all costs incurred in the inspection.

(Ord. 60 § 2, 1984)

Chapter 12.12

MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS

Sections:

12.12.010 Skateboards—Prohibited.

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It is unlawful for any person or party to operate, ride, or use, skateboards on or within any public roadway, street, sidewalk, pathway, or other public service or activity area within the city limits of the city. (Ord. 124 § 1, 1996)