

Folks,

Just a note. The City of Los Angeles has clear standards for replacing sidewalks. I replaced the sidewalks around my building some years back. I hired a private contractor and pulled the permits myself. The Public Works permit counter has a very simple handout which more than adequately sets for the standards. My gripe, I should not have to pay the City a few hundred dollars to repair public sidewalks. The fee should be waived.

With respect to liability for injuries, State law, for as long as I can remember, imposes liability on the adjoining property owner for sidewalk conditions which cause injury. If the sidewalk in front of your house has a large crack and someone trips and gets injured, you get sued. The city can get sued but you are definitely on the hook. This has always been the law and the City of Los Angeles cannot change it.

Ricardo

--- On **Fri, 7/9/10, Richard Spicer** <spicerrichard@yahoo.com> wrote:

From: Richard Spicer <spicerrichard@yahoo.com>

Subject: Re: City Council Issue

To: "Frank Masi" <fm3c147@roadrunner.com>, "Mark F. Mauceri" <mfmauceri@airsupport.tv>, "Ricardo Gomez" <nedster@pacbell.net>

Date: Friday, July 9, 2010, 7:44 PM

Good Evening,

Some initial thoughts:

1. Ordinance should retain responsibility with city (1) for and set standards for high risk/safety threat damaged side walks and (2) distinguish locations: residential, commercial, and high use related to other city uses such as public transit and entertainment. That would be consistent with Councilman Park's of keeping core--public safety--matters with the city.

In the GGPNC area, two dangerous sidewalks damaged by large trees, I think ficus, come to mind. Damaged area of at least 6 to 12 feet in length, with complex of broken side walk, height up to two feet. Both were repaired by the city. One was on west side of Vermont between Hollywood Blvd and Prospect, next to Car Wash and across street from the now landscaped Triangle--across Prospect from the Bank of America. The side walk was repaired at part of Triangle Project. That location is heavily used by persons using and transferring from one bus to another or to taxis.

The above process and repair involved GGPNC and other stakeholders, more than one city department, and years of negotiation. Plus Garcetti and LaBonge and their staffs. Kerr and Nyla heavily involved in Triangle Project. And Pat Smith, who lives in the GGPNC area, was designer of Triangle Project.

Example of high use area, with many pedestrians many hours of the day going to and from busses. Clearly a city responsibility and not the responsibility of the car wash owner.

A similarly damaged side walk site was in front of residents/duplex, on east/west street, South of Franklin and a few lots west of Vermont. It do was repaired by the city.

That level of damage and complex repair is better handled by the city.

2. Any ordinance, as suggested by Ricardo and Sue in second comment, should set standards for side walk removal, repair/reinstallation, and tree root removal and tree support to retain fail safe stability. In addition, the city should set the standards and certify contractors. That should not be the responsibility of property owner to sort out.

Standards also need to be clear re liability.

May be appropriate for the city to identify dangerously damaged side walks and set up warning signs. Residential groups, neighborhood council and walkers could be helpful in identifying dangerous places. City should already have a data base.

3. Sue had some good ideas about walkers taking responsibility in areas of minor irregularities in sidewalks.

4. Given San Francisco and other Ca city experience and practice, there may be best practices guidelines and probably court cases.

5. Council should be deliberate and not rush something through in hopes of a quick budget fix. Should also be some clear presentation of cost and benefit of such an ordinance.

6. Given the experience of Los Angeles and other CA cities, city should consider in ordinance recommendations on the most effective for shade and attractiveness and least damaging. Ficus trees for city and property owner are clearly the wrong kind, They attack foundations of houses and damage/destroy underground city pipes,

Richard
(323) 665-6080

--- On **Fri, 7/9/10, Ricardo Gomez** <nedster@pacbell.net> wrote:

From: Ricardo Gomez <nedster@pacbell.net>

Subject: Re: City Council Issue

To: "Richard Spicer" <spicerrichard@yahoo.com>, "Frank Masi" <fm3c147@roadrunner.com>, "Mark F. Mauceri" <mfmauceri@airsupport.tv>

Date: Friday, July 9, 2010, 1:31 PM

In most other cities the property owner repairs the sidewalk. Problem is most other cities have lower taxes than Los Angeles. The City of Los Angeles is very inefficient at delivering services. Lots of waste. My position is to: 1. Waive permit fees for homeowners who decide to replace the sidewalks in front of their house at their expense. 2. Require the City to solicit competitive bids for replacing sidewalks instead of doing the work in house. 3. Give priority for City funded sidewalk replacement to walking routes to schools. 4. If any funding is left over (doubt it), then to other sidewalks.

Ricardo

--- On **Fri, 7/9/10, Mark F. Mauceri** <mfmauceri@airsupport.tv> wrote:

From: Mark F. Mauceri <mfmauceri@airsupport.tv>

Subject: City Council Issue

To: "Richard Spicer" <spicerrichard@yahoo.com>, "Frank Masi" <fm3c147@roadrunner.com>, "Ricardo Gomez" <nedster@pacbell.net>

Date: Friday, July 9, 2010, 12:23 PM

Frank / Richard-

City services debated this with no clear-cut answer... I'd like to get your thoughts, if any, to possibly take a position in council file.

http://citywatchla.com/index.php?option=com_content&task=view&id=3731

Best.

- Mark

Community Impact Statement

City Council File Numbers: 05-1853, 05-1853-S1

“Point of Sale Plan / Fixing Sidewalks”

The Greater Griffith Park Neighborhood Council opposes the above referenced motion(s) before the City Council as they are presently contemplated.

Requiring property owners to absorb the cost of repairing damaged sidewalks caused by forces generally beyond their control, primarily tree roots, should fall to the City.

While we are cognizant of the fiscal crisis Los Angeles currently faces, spreading these costs to our stakeholders who are already burdened with unusually high taxes is not the solution to ameliorating a long-standing and complex financial infrastructure problem. It's simply a way of offsetting a small portion of our overall costs by passing them off to taxpayers.

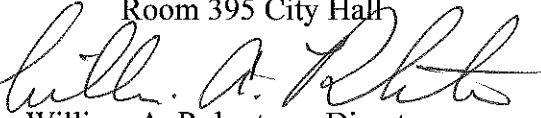
If the city council is of the mind that “desperate time demand desperate measures,” then we ask the following points be given due consideration and incorporated into any decision binding on our stakeholders:

1. We believe there is not a one size fits all approach to this problem. Therefore, an appeal process should be put in place to determine if there are extenuating circumstances regarding the nature of the repair. For example, a tree root from an adjacent property actually damages the sidewalk in front of yours. Who is actually responsible? Who decides?
2. Clear, measured, standards for urgency of repair where safety is a concern, and an appropriate timetable be established to give property owners adequate notice to resource and plan for repairs.
3. Clear standards for quality of workmanship regarding repairs should be continued, and easy-to-follow checklists and procedural assistance should be provided so the average property owner can facilitate
4. A simplified, fast-track, no-cost permit application process should be instituted for property owners to ease the burden of the repair cost and process.
5. If the city council places the burden of repair on private citizens and entities, those citizens should have the right to select licensed contractors of their choice at competitive market rates.
6. Walking routes to and from schools should be given priority for any general repair work currently budgeted and funded directly by the city.

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: April 8, 2010

TO: Public Works and Budget and Finance Committees
of the Los Angeles City Council
Attn: Office of the City Clerk
Room 395 City Hall

FROM: 
William A. Robertson, Director
Bureau of Street Services

SUBJECT: Sidewalk Repair Options (C.F. 05-1853 and 05-1853-S1)

This report supersedes the previous Bureau of Street Services (BSS) report transmitted to the Public Works Committee, dated December 9, 2009. The recommendations and implementation plan have been adjusted in part due to the City's financial challenges and BSS' reduced workforce.

RECOMMENDATIONS

That the Public Works Committee:

1. Forward the attached City Attorney reports to the City Council, recommending adoption of the proposed Los Angeles Municipal Code change and associated California Environmental Quality Act finding.
2. Instruct the City Attorney's Office to incorporate into the attached report, to be forwarded to City Council, a revision of section 62.104 of the Los Angeles Municipal Code to increase the time required for adjoining property owners to commence the work of repair and/or reconstruction of sidewalks from "two weeks" to ninety (90) days.
3. Instruct BSS to devise a public outreach plan to notify and inform the City's property owners of this ordinance change.
4. Instruct BSS to implement a three-year Moratorium on its issuance of Notices to Repair Sidewalks to adjoining property owners. During this Moratorium, the Bureau will inform the public on how to respond to and comply with any subsequent Notices to Repair.
5. Instruct BSS to work with other City Departments, including the Planning Department and the Bureau of Engineering, to develop standards for sidewalk and parkway reconstruction and repair to ensure consistency and safety throughout the City's network of sidewalks.

BACKGROUND

The City is at a crossroad with regard to sidewalk construction, reconstruction, and repair. Previous reports under this Council File describe the magnitude of the problem in detail: over 40% of the system is estimated to be in disrepair (4,600 miles out of a total of 10,750 miles), exceeding a cost of \$1.2 billion. The City expended a total of nearly \$95 million from the General Fund from fiscal year 2000-01 through 2008-09 to reconstruct an estimated 550 miles of damaged sidewalk; yet, the amount of sidewalk damaged during this period of time is believed to have exceeded the amount corrected.

A Council Motion (Parks-Smith) was introduced in September of 2005, instructing BSS to work with other City Departments and outside stakeholders to develop recommendations for implementing a point-of-sale plan for fixing sidewalk, whereby damaged sidewalk would be required to be certified as safe before escrow closed on a property transaction.

Following initial investigation and research, BSS partnered with the USC Graduate School of Policy – Planning and Development to help develop viable options and a recommended alternative (see report on file dated May 2007). This study reinforced the feasibility of a point-of-sale program. In July of 2007, the City Council formally supported the concept of a point-of-sale program and instructed BSS to proceed with task force work. BSS solicited participation from all known affected City agencies and interested parties and formed four sub-committees to work on details associated with the Program Details, Workforce Development and Training, Legal issues, and Community and Business Outreach (Attachment 2 of the February 12, 2008 report on file includes the rosters for each sub-committee).

A comprehensive Point-of-Sale Implementation Plan, dated February 12, 2008, was then presented in a report to the Public Works Committee. After consideration, the Committee instructed BSS to develop alternatives other than point-of-sale; in particular, bonding, third party financing, and a risk/legal-based program. BSS did subsequently have discussions with the City Administrative Officer (CAO) - Debt Management and Risk Management Offices, as well as with the City Attorney's Office. BSS also reached out to a number of other Cities in an attempt to learn which policies may be working well and to find other policies that have not yet been assessed.

Momentum was re-ignited with the adopted City Budget for fiscal year 09-10, which calls for a point-of-sale program to be implemented. The four sub-committees were recently reorganized into two: a "Repair Policy Committee", chaired by the City Attorney's Office, and a "Finance Committee" chaired by the CAO. A list of eight potential options was narrowed down to five options. These all have broader support from the task force, particularly from the Real Estate Industry.

DISCUSSION

The Law and the City's *limited* exception

State Law (Improvement Act of 1911, aka California Streets and Highways Code – Division 7) and City Code (Los Angeles Municipal Code Section 62.104) already place the responsibility for sidewalk construction, reconstruction and repair on the adjoining property owner. However, in 1974, because of available federal funding, the City accepted responsibility for repairs to curbs, driveways or sidewalks required *as the result of tree root growth*. This limited exception is still effective today, despite the absence of funding.

Options Considered

The Sidewalk Repair Task Force has studied the following five options, including various combinations thereof, for implementing an effective Sidewalk Management Program for the City of Los Angeles:

1. "1911 Act" – Compliance

BSS investigators would be required to inspect sidewalk and cite property owners, directing that repairs be made in a prescribed period of time (LAMC 62.104 currently specifies two weeks; please see section below entitled Time For Repairs). The City would be required to make the necessary repairs (either through additional BSS construction resources and/or contractors) and assess the property owner in cases of non-compliance. The entire City would be covered in a time frame directly related to the resources allocated for the program.

2. Point-of-Service (or Sale) and Building Permits

"Point-Of-Service" would require the buyer of a property to obtain a Safe Sidewalk Certificate from BSS prior to utility connection, versus "Point-Of-Sale", which would require certification prior to the close of escrow. This effort would be combined with the requirement for a Safe Sidewalk Certificate to be obtained from BSS when any building permit is issued for repairs/improvements valued over \$20,000 (or other specified value).

3. Point-of-Service (or Sale) City-wide and "1911 Act" Compliance – Commercial Only

Although commercial property is primarily located in heavy pedestrian corridors, which should be a priority, commercial property is not transferred as often as residential property is transferred.

4. Point-of-Service (or Sale) and 50-50 Voluntary Sidewalk Repair Program

Challenges would include the question of providing City funds to help facilitate repairs that are the responsibility of private property owners and reserving these 50/50 City funds for property not pending or being considered for transfer.

5. "1911 Act" – Compliance Based on Liability Risks

The inspection and citation effort would be targeted at trip and fall claim locations and other known hazardous areas combined with a complaint driven effort.

Each of the five proposed options would require the adoption of an amending Ordinance, which would effectively place all sidewalk construction, reconstruction, and repair responsibility back on the adjoining property owners, regardless of the cause of the damage.

Please note that Benefit Assessment Districts, General Obligations Bonds and Third Party Financing were also assessed as options but were ultimately deemed infeasible due to lack of public support and/or logistical complexities.

Remove limited exception

In a report dated August 3, 2009 (City Attorney Report No. R09-0270), the City Attorney has transmitted a Draft Ordinance which would repeal the tree root growth exception, effectively eliminating City responsibility for repair of curbs, driveways and sidewalks damaged by any cause, including by tree root growth.

An accompanying City Attorney Report, dated August 14, 2009 (Report No. R09-0292), recommends

the adoption of a California Environmental Quality Act – Categorical Exemption Finding in conjunction with the LAMC amendment. Staff recommends that both City Attorney reports be forwarded for City Council and Mayor approval at this time. (See recommendation 1)

Time for repairs

Los Angeles Municipal Code Section 62.104 provides adjoining property owners, after being given a Notice to Repair, “two weeks” to commence the work of repair or reconstruction. BSS recommends that this provision be amended to provide adjoining property owners a more reasonable amount of time with which to commence the required repairs. Thus, staff recommends that the City Attorney’s Office be instructed to incorporate an additional revision of LAMC Section 62.104 to increase the time required for adjoining property owners to commence the work of repair and/or reconstruction of sidewalks from “two weeks” to ninety (90) days. (See recommendation 2)

Moratorium

For over 35 years, the City has had the responsibility for repair of sidewalk damaged by parkway tree root growth. As noted before, in 1974, the City assumed that responsibility in light of significant Federal funding. However, given that such funding no longer exists, proposals emerged to return that responsibility back to the adjoining property owners.

Because doing so would immediately shift a significant amount of responsibility back onto the adjoining property owners, staff recommends that Council couple the Ordinance Amendment with the implementation of a three-year Moratorium on the issuance of any Notices to Repair Sidewalks.

A moratorium on enforcement will allow for the following:

- Property owners to be notified of the change (See recommendation 3)
- Bureau of Street Services to inform the public on how to respond to and comply with Notices to Repair (See recommendation 4)
- Develop uniform standards for sidewalk and parkway reconstruction and repair (See recommendation 5)

BSS will report back to the appropriate City Council Committee after the first year with an update and additional recommendations including enforcement priorities and ideas for assisting property owners with compliance.

If you have any questions or if additional information is needed, please contact me or Assistant Director Ron Olive at (213) 847-3333.

Attachments

WAR:RRO:rr0

Desktop: sidewalk repair options report rev2

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R09-0270

AUG 03 2009

REPORT RE:

**BUDGET RELATED DRAFT ORDINANCE AMENDING SUBSECTION (e)
OF SECTION 62.104 OF THE LOS ANGELES MUNICIPAL CODE TO
REPEAL THE "EXCEPTION" WITHIN THIS SECTION THAT ESTABLISHED
CITY LIABILITY FOR REPAIR OF CURBS, DRIVEWAYS AND SIDEWALKS
DUE TO TREE ROOT DAMAGE**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File No. 05-1853

Honorable Members:

Pursuant to your request, this office has prepared and now transmits for your consideration the attached draft ordinance, approved as to form and legality. The draft ordinance amends Subsection (e) of Section 62.104 of the Los Angeles Municipal Code (LAMC) to repeal the "**EXCEPTION**" within that section which established City liability for repair of curbs, driveways and sidewalks due to tree root damage.

Summary of Modifications

This ordinance changes the Code to eliminate the "**EXCEPTION**" within Subsection (e) of Section 62.104 of the LAMC, thereby, eliminating City responsibility for damage done to curbs, driveways and sidewalks due to tree roots.

CEQA Exemption

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because “. . . it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” State CEQA Guidelines Section 15061(b) (3). See also City CEQA Guidelines, Article II, (1) General Rule and General Exemption. If the Council chooses to adopt the ordinance, it should also find that it is exempt from the provisions of CEQA pursuant to the above cited section.


Council Rule 38

In accordance with the requirements of Council Rule 38, this office has forwarded the draft ordinance to affected city departments and requested that they address any comments that they may have directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Keith W. Pritsker at (213) 978-8141. He or another member of this office will be available when you consider this matter in order to answer any questions you may have.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

DM:KWP:pb
Transmittal

ORDINANCE NO. _____

An ordinance to repeal the EXCEPTION within Subsection (e) of Section 62.104 of the Los Angeles Municipal Code to eliminate City responsibility for repair of curbs, driveways and sidewalks due to tree root damage.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (e) of Section 62.104 of the Los Angeles Municipal Code is hereby amended to read as follows:

(e) Determination of Responsibility for Damage. Whenever the Board determines that a curb, driveway or sidewalk is damaged as the result of negligence or violation of this Code and the Board determines the identity of the responsible party, all costs incurred pursuant to this section shall be a personal obligation of the responsible party, recoverable by the City in an action before any court of competent jurisdiction. These costs shall include an amount equal to forty percent (40%) of the cost to perform the actual work, but not less than the sum of \$100.00, to cover the City's costs for administering any contract and supervising the work required. In addition to this personal obligation and all other remedies provided by law, if the Board determines that a curb, driveway or sidewalk is damaged to such an extent as to create a menace to the public health, welfare and safety, and to constitute a public nuisance, the City may collect any judgment, fee, cost, or charge including any permit fees, fines, late charges, or interest, incurred in relation to the provisions of this section as provided in Los Angeles Administrative Code Sections 7.35.1 through 7.35.8.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
KEITH W. PRITSKER
Deputy City Attorney

Date 7-16-09

File No. 05-1853

Council File Number 05-1853

POINT OF SALE PLAN / FIXING SIDEWALKS

Subject

Motion - The City should explore creative approaches to solving the backlog of our sidewalk repair needs. While many and varied approaches are helping, miles and miles of sidewalks heave and buckle. Tree roots must be pruned. Root barriers must be installed to protect new sidewalks, and more trees - species appropriate to planting next to new sidewalks - must line our City's streets. The Bureau of Street Services is budgeted to replace 52 miles of the 6500 miles of sidewalks this year. A customer calling in for sidewalk service today can expect the work to be done in 83 years. The City's 2005-06 budget did expand the successful pilot 50/50 sidewalk repair program, but this still leaves 98% of the sidewalks in need of repair yet unfixed. Urban planners have long advocated a point-of-sale plan similar to what is done in other cities and what is done currently to ensure the safety of water heaters and the water efficiency of toilets. This approach acknowledges that it is the property owner who is responsible for the repair of their sidewalk and then offers a simple and efficient way of getting sidewalks fixed: before real estate is sold, the City inspects the sidewalk fronting the property. If the sidewalk is in good condition, the owner is not required to do anything. If the sidewalk is damaged, the owner is required to repair it before the property is sold. City workers will fix sidewalks, affordably, and homeowners can pay for these repairs when they sell their homes. Beyond improving sidewalks, the point-of-sale strategy has several advantages. Owners don't have to do anything until they sell their property. The sale provides the cash to pay for required repairs. Owners fix only the sidewalk on their own property. Improved sidewalks increase the value of property and this may persuade owners to make repairs early. Half of all properties in Los Angeles are sold at least once every decade. Because the turnover rate is about the same all over the city, sidewalks will be repaired at about the same rate. These repairs would cost the City nothing. In fact, the City would save money because better sidewalks reduce the number of trip-and-fall lawsuits. Half of what the City will spend this year paying for trip-and-fall lawsuits can serve as seed money to start this program. Given the rate at which houses change hands in Los Angeles, a revolving fund could build quickly. In addition, there is a clear economic development benefit to this proposal. It is estimated that in the first year of a point-of-sale program, 460 miles of sidewalks would be repaired, total local wages would increase \$102 million, and 2,600 new jobs would be created with average annual wages and benefits of \$39,000. Los Angeles City workers strive to provide high quality cost effective services. This approach could provide benefits to all sectors. This pay-as-you go proposal promises to fix an unfixable sidewalk problem, to create many good jobs which would in turn pump millions into the local economy, enhance individual property values and neighborhood beauty and safety - and with no expense of public funds.

THEREFORE MOVE that the Bureau of Street Services, with the assistance of the City Administrative Officer and the City Attorney and in consultation with affected stakeholders such as realtors associations, apartment associations, homeowner groups, and others, be directed to report with recommendations relative to a point-of-sale plan for fixing the City's sidewalks whereby property sellers would be assessed the cost of fixing the sidewalks in front of their property, as further described in the text of this Motion.

Date Received / Introduced

09/06/2005

Last Change Date

05/11/2010

Expiration Date

04/19/2012

Reference Numbers

City Attorney R09-0270

Pending in Committee

Public Works Committee

Budget and Finance Committee

Mover

BERNARD PARKS

Second

GREIG SMITH

File Activities

File History

9-6-05 - This day's Council session

9-6-05 - Ref to Public Works and Budget and Finance Committees

9-6-05 - File to Public Works Committee Clerk

5-8-07 - For ref - Communication from the Bureau of Street Services, dated May 4, 2007, relative to the recommendations for a point of sale plan for fixing the City's sidewalks including input from affected stakeholders.

5-9-07 - Ref to Public Works and Budget and Finance Committees - to Public Works Committee Clerk

6-5-07 - For ref - Communication from the Bureau of Street Services, dated June 1, 2007, relative to recommendations for implementing a point-of-sale plan for repairing City sidewalks.

6-6-07 - Ref to Public Works and Budget and Finance Committees - to Public Works Committee Clerk

6-6-07 - File to Budget and Finance Committee Clerk

6-26-07 - Council Action - Public Works and Budget and Finance Committees report ADOPTED to:

1. AFFIRM and SUPPORT the concept of a point-of-sale program for repairing City sidewalks as a viable policy for the City of Los Angeles.
2. INSTRUCT the Bureau of Street Services (BOSS) to conduct orientation meetings with all sub-committee participants within 30 days of Council's approval of the recommendations as detailed in Recommendation Nos. 1, 3 and 4.
3. INSTRUCT the Chief Legislative Analyst (CLA), City Administrative Officer (CAO), Department of Building and Safety, Community Development Department, Department of Neighborhood Empowerment and REQUEST the City Attorney to appoint their most knowledgeable Manager(s) to participate in the applicable sub-committees with the BOSS and representatives of the Mayor's Office, City Council Offices, real estate/escrow industry, chambers of commerce, neighborhood councils and Service Employees International Union (SEIU) Local 721 as detailed in the June 1, 2007 BOSS report and attached to the Committee report.

4. INSTRUCT the BOSS to present status reports to the Public Works Committee on a quarterly basis.

7-10-07 - File to Public Works and Budget and Finance Committee Clerks OK

7-11-07 - File in files

2-12-08 - For ref - Communication from the Bureau of Street Services, dated February 12, 2008, relative to the Point of Sale Sidewalk Repair Plan.

2-13-08 - Ref to Public Works Committee

2-13-08 - File to Public Works Committee Clerk

2-21-08 - Speaker cards submitted in Public Works Committee, dated February 20, 2008
- is attached to Council file.

SEC. 62.104. CURB AND SIDEWALK REPAIRS.

(Amended by Ord. No. 146,040, Eff. 7/13/74.)

When a sidewalk, driveway or curb constructed on any street shall be out of repair or in need of reconstruction, or in a condition to endanger persons or property passing thereon, or in a condition to interfere with the public convenience in the use thereof, the Board may require that the owners or occupants of lots or portions of lots fronting on said sidewalk, or curb and on the same side of the street where such sidewalk, driveway or curb is located to repair or reconstruct the sidewalk, driveway or curb, or both. The Board may give written notice thereof to the owners of the adjoining premises, or to their agents or to the occupants of such premises, or by leaving a copy of such notice on such premises.

(a) **Notice – Content of.** Said notice shall contain a description of the work required to be done and shall designate the materials to be used and shall specify the manner in which said work shall be done.

(b) **Time Required for Repairs.** Any owner, agent or occupant of any such premises, within two weeks after notice given as provided herein, shall commence the work of repair or reconstruction, or both, and shall do said work in the manner and with the materials specified in said notice. No owners, agent or occupant of any such premises where notice is given as provided herein shall fail, refuse, or neglect to commence the work required in said notice within the time permitted herein, nor shall any such person after having begun such work fail, refuse, or neglect to proceed diligently with the work to completion in the manner and with the materials specified in said notice.

(c) **Failure to Repair.** In the event a person neglects, fails, or refuses within two weeks after notification, to begin the work of repair or reconstruction of the property designated in the notice, or fails to prosecute the work diligently to completion, the Board shall have the power to perform the work described in the notice. **(Amended by Ord. No. 175,596, Eff. 12/7/03.)**

(d) **Preventive Measures.** The Board is authorized to take preventive action such as root pruning or tree removal to prevent damage to curbs, driveways or sidewalks.

(e) **Determination of Responsibility for Damage. (Amended by Ord. No. 175,596, Eff. 12/7/03.)** Whenever the Board determines that a curb, driveway or sidewalk is damaged as the result of negligence or violation of this Code and the Board determines the responsible party, all costs incurred pursuant to this section shall be a personal obligation of the responsible party, recoverable by the City in an action before any court of competent jurisdiction. These costs shall include an amount equal to 40 percent of the cost to perform the actual work, but not less than the sum of \$100.00, to cover the City's costs for administering any contract and supervising the work required. In addition to this personal obligation and all other remedies provided by law, if the Board determines that a curb, driveway or sidewalk is damaged to such an extent as to create a menace to the public health, welfare and safety, and to constitute a public nuisance, the City may collect any judgment, fee, cost, or charge, including any permit fees, fines, late charges, or interest, incurred in relation to the provisions of this section as provided in Los Angeles Administrative Code Sections 7.35.1 through 7.35.8.

EXCEPTION: Preventive measures and repairs or reconstruction to curbs, driveways or sidewalks required as the result of tree root growth shall be repaired by the Board at no cost to the adjoining property owner.