

ASSEMBLY BILL

No. 22

Introduced by Assembly Member Blumenfield

December 3, 2012

An act to add Section 5611.5 to the Streets and Highways Code, relating to sidewalks.

LEGISLATIVE COUNSEL'S DIGEST

AB 22, as introduced, Blumenfield. Sidewalks: repairs.

Under existing law, the Improvement Act of 1911, the owners of lots or portions of lots fronting on any portion of a public street or place are required to maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition that will not interfere with the public convenience in the use of those works or areas, except as to those conditions created or maintained by persons other than the owner. This law imposes a duty of repair on the abutting property owners for defects in sidewalks, regardless of who created the defects, but does not of itself create tort liability to injured pedestrians or a duty to indemnify municipalities, except where a property owner created the defect or exercised dominion or control over the abutting sidewalk.

This bill would prohibit a city, county, or city and county that has an ordinance in operation that requires the city, county, or city and county to repair or reconstruct streets, sidewalks, or driveways that have been damaged as a result of tree growth from repealing the ordinance without the concurrence of the local electorate by majority vote. The bill would also declare that this is a matter of statewide concern.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5611.5 is added to the Streets and
2 Highways Code, to read:

3 5611.5. (a) If a city, county, or city and county has an
4 ordinance in operation that requires the city, county, or city and
5 county to repair or reconstruct streets, sidewalks, or driveways
6 that have been damaged as a result of tree growth, then the city,
7 county, or city and county shall not repeal the ordinance except
8 with the concurrence of the local electorate by majority vote.

9 (b) The Legislature finds and declares that this section
10 constitutes a matter of statewide concern, and shall apply to charter
11 cities and charter counties. The provisions of this section shall
12 supercede any inconsistent provisions in the charter of any city,
13 county, or city and county.