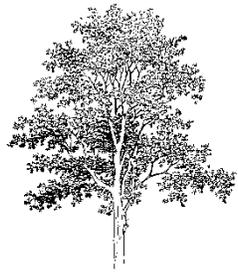


SIDEWALK and STREET TREE MAINTENANCE

INTRODUCTION



Sidewalks and trees benefit communities. Sidewalks provide a safe path for pedestrians, and trees are recognized as contributing to the environment and improving air quality. Nonetheless, even

concrete sidewalks and trees require periodic maintenance or repair.

The responsibility for the maintenance of sidewalks and street trees in the unincorporated area of The County is the responsibility of the adjacent property owner.

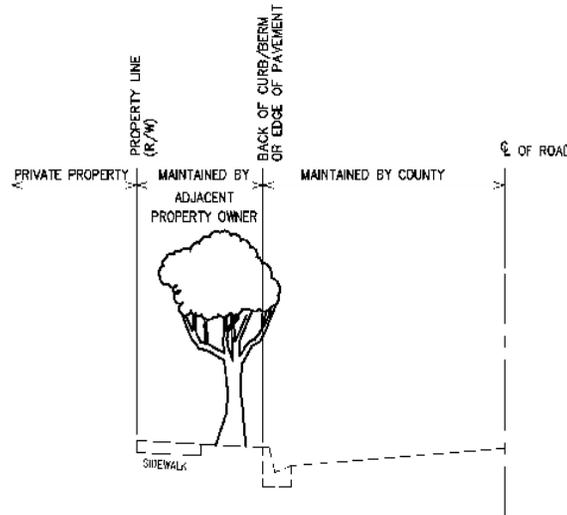
DEFINITIONS

Road right-of-way – The County road right-of-way extends from one edge of the road right-of-way to the other. This area generally includes more than the area covered by asphalt or concrete. A typical delineation is shown on the sketch below.

Regulatory authority – The County has the authority to regulate activity within the road right-of-way, but regulatory authority does not necessarily mean maintenance responsibility. An encroachment permit is generally required for any encroachment installed in the road right-of-way. The

County may determine what encroachments may (or may not) be allowed. It also has the authority to require removal of any encroachment or deny a permit that might endanger the public or restrict public use of the right-of-way.

Sidewalk and parkway strip – Sidewalk includes a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls, or other works for the protection of any such park or parking strip. Trees, bushes, or other vegetation may be included within the parkway strip and the definition of a sidewalk. Placement of any vegetation must comply with the County’s sight distance requirements. Please refer to the brochure entitled “Sight Distance – A Clear View” for additional information.



RESPONSIBILITIES

Property Owners - The owners of lots or portions of lots adjacent to or fronting on any portion of sidewalk between the property line and the street line are

responsible to repair and maintain the sidewalk areas.

Maintenance and Repair – Maintenance and repair of the sidewalk area includes repair or removal and replacement of sidewalks; tree root pruning, trimming of shrubs and/or ground cover or other actions necessary to ensure the sidewalk is maintained in a safe and reasonable manner.

Notification: If a designated County Representative determines that your sidewalk or parkway area is out of repair, you will be notified. We try to use an initial and informal verbal notification where possible, resorting to formal notices to repair only when necessary. However, circumstances may not always permit this courtesy. If you are issued a formal notice to repair and fail to repair your sidewalk in the mandated time, the County may cause the repairs to be completed. The cost of any and all actions taken to repair your sidewalk may be assessed to your property.

FREQUENTLY ASKED QUESTIONS (FAQ'S)

If you have questions, requests, or suggestions, please call Department at: or through the “Contact Us” link at:

Q. What is the legal authority for the County to require property owners to pay for the repair of public sidewalks?

R. California Streets and Highways Code, § 5600-5630, and The County Ordinance Code, § 12701-12703.

Q. What permits are required?



R. A road encroachment permit is required. No fee will be charged. You may contact the permit desk or (805) 654-

2047 for details.

Q. If I am planning to trim or remove a tree in the parkway, do I need a County permit?

R. Maintenance of sidewalks or non-protected trees within the road right-of-way are exempt from the County Tree Protection Ordinance (requirements can be reviewed at www.sanbernateco.org/planning, then select "permits." However, you must contact the Planning Department (654-2488) prior to trimming or removal of any protected tree, particularly an Oak, Sycamore, historical, or heritage tree(s).

Q. Do I have to replace a tree?



R. Current County regulations do not require you to replace a tree removed from the road right-of-way if removed as part of a sidewalk repair or maintenance action un-less required by

the County's Tree Protection Ordinance. We strongly recommend that you replace trees from the approved tree list as they are beneficial to the environment. If replacement is within the road right-of-way, an encroachment permit is required, although it can be included with the encroachment permit for repair of the sidewalk.

Q. I received a notice to repair. How long do I have to respond or repair my sidewalk?

R. The deadline and a contact point to respond to a notice to repair will be shown on the notice as mandated by State law. In general you will have 90 days from the date you are issued an encroachment permit to commence and substantially complete the repairs. Reasonable extensions will be considered when requested and warranted.

Q. What standards do I have to meet to replace a sidewalk?

R. Sidewalks must comply with County Road Standards, as approved by the Board of Supervisors. County Road Standards are available to review or download on the internet via the County web site.

Q. I want to retain my old tree. My I use alternate repair methods or reroute the sidewalk?

R. You may propose alternate repair methods, but it will need to be in writing and is subject to approval by the Public Works Agency. Alternate methods of repair will have to meet reasonable engineering standards and federal American with Disabilities Act (ADA) requirements. We recommend that you obtain the advice from a qualified tree arborist for questions regarding trees. If you reroute your sidewalk outside of the right-of-way, a dedication of right-of-way may be required.

Q. Can I put a mailbox in the right-of-way without an encroachment permit?

R. Yes – But you must comply with US Postal Service regulations.

SIDEWALK AND STREET TREE MAINTENANCE