

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_

AMENDING THE ALAMEDA MUNICIPAL CODE BY REPEALING CHAPTER XXII (STREETS AND SIDEWALKS), ARTICLE I (STREETS), SECTION 22-3 (REPAIRS) IN ITS ENTIRETY AND REPEALING AND REPLACING CHAPTER XXII (STREETS AND SIDEWALKS), ARTICLE II (SIDEWALKS), SECTIONS 22-18 (REPAIR OF SIDEWALKS AND OTHER WORKS) AND 22-20 (SPECIFICATIONS) TO AMEND THE SIDEWALK REPAIR PROCEDURES AND MAKE OTHER TECHNICAL AMENDMENTS

WHEREAS, the timely maintenance and repair of damaged sidewalks is essential to protect the health, welfare and safety of Alameda residents, workers, and visitors; and

WHEREAS, the City of Alameda (City) wishes to promote more sidewalk repair work being executed in a timely fashion; and

WHEREAS, California Streets and Highways Code sections 5600 through 5630 set forth comprehensive regulations for the maintenance and repair of sidewalks; and

WHEREAS, City staff reviewed municipal codes of various other cities and noted that many cities (including Oakland, Berkeley, Sacramento, and Cupertino), as part of their local implementation of Streets and Highways Code sections 5600 through 5630, authorize supplementary sidewalk repair procedures.

NOW, THEREFORE, the City Council of the City of Alameda does hereby ordain as follows:

Section 1. The current version of Alameda Municipal Code, Chapter XXII (Streets and Sidewalks), Article I (Streets), Sections 22-3 (Repairs) is hereby repealed in its entirety; and Chapter XXII (Streets and Sidewalks), Article II (Sidewalks), Sections 22-18 (Repair of Sidewalks and Other Works) and 22-20 (Specifications) are hereby repealed in their entirety, and replaced with the following provisions:

**22-18 - REPAIR OF SIDEWALKS AND OTHER WORKS.**

**22-18.1 - Purpose of Section 22-18.**

The provisions set forth in the State Sidewalk Repair Law are hereby adopted and made a part of this Code. In addition to said adoption, the purpose of this Section 22-18 is to establish local sidewalk repair procedures that supplement the sidewalk repair procedures set forth in the State Sidewalk Repair Law. Nothing in this Section 22-18 shall be interpreted or applied to create any power or duty in conflict with the State Sidewalk Repair Law or any other applicable state or federal law. The term "conflict" as used in this section means a conflict that is preemptive under federal or state law.

### **22-18.2 - Definitions.**

As used in this Section 22-18, the terms listed below shall have the following definitions:

"City Manager or their designee" means the City Manager of the City of Alameda, or a City staff member designated by the City Manager to carry out the City Manager's duties under this Section 22. For purposes of this Section 22, "City Manager or their designee" includes all powers and responsibilities assigned to the "superintendent of streets" under the State Sidewalk Repair Law.

"Defective sidewalk" means a sidewalk where, in the judgment of the Public Works Director, the vertical or horizontal line or grade is altered or displaced or such other condition exists that interferes with the public convenience in the use of the sidewalk.

"Lot," "lots," or "portion of a lot" means a parcel of real property located within the City of Alameda and fronting any portion of a public street, alley or other place where a sidewalk exists. When used in connection with the words, "fronting the defective sidewalk," or variations thereof, these terms shall refer to the property in front of or along the side of the defective sidewalk.

"Owner" means a person owning a lot, lots, or portion of a lot within the City of Alameda and fronting any portion of a public street, alley, or other place, where a sidewalk exists.

"Repair" or "repairs" means elimination of a defective sidewalk by removal and replacement of all or a portion of the existing sidewalk or by other appropriate methods.

"State Sidewalk Repair Law" means Streets and Highways Code, Division 7, Part 3, Chapter 22, Sections 5600 to 5630, as those sections now exist or may hereafter be amended or renumbered,

### **22-18.3 - Enforcement of Section.**

The City Manager or their designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Section 22-18, including but not limited to establishing criteria and specifications for each type of repair

### **22-18.4 - Owner's duty to repair defective sidewalk.**

Pursuant to State Sidewalk Repair Law, an owner shall maintain and repair any defective sidewalk fronting such owner's lot, lots or portion of a lot in such condition that the sidewalk will not endanger persons or property nor interfere with the public's use.

### **22-18.5 – Service of notices.**

The City shall issue all notices consistent with the State Sidewalk Repair Law. The City may, but is not required to, issue additional notices beyond minimum state law requirements.

### **22-18.6 – Notice to repair.**

When the City has actual notice of the existence of a defective sidewalk, the City may issue written notice to repair the defective sidewalk to the owner of the lot, lots or portion of the lot fronting the defective sidewalk. The City may also issue written notice to repair to the person in possession of the lot, lots or portion of the lot, in addition to the notice issued to the owner.

**22-18.7 - Contents of notice.**

The written notice to repair shall, at a minimum, contain the following information:

- a. The location of the sidewalk at issue, and the City's determination that the sidewalk is defective;
- b. The nature of the required repair, and the cost as estimated by the City;
- c. The manner in which the repair is to be performed, including the specifications required by the City as to materials and workmanship;
- d. A statement that if the owner does not commence the repair within the time specified in this Section 22-18, or once commenced does not complete the repair diligently and without interruption, the City may commence and complete the repair and the cost thereof shall become recoverable from the owner and may include, following non-payment, entering a collections process managed by the City's Finance Department for the cost of repairs and any additional fees related to collections;
- e. A statement that the owner may elect to perform the repair themselves after obtaining the necessary permits, have the repair performed by a licensed contractor hired by the owner, or have the repair performed by the City at the owner's expense.
- f. Notwithstanding any contrary provision in this Section 22-18, the notice may offer the owner the ability to demonstrate to the reasonable satisfaction of the City's Finance Department that payment of the repair costs will constitute a severe financial hardship on the owner; and if that financial hardship is demonstrated, then the repair costs may be reduced or waived pursuant to the City Manager or designee's discretion. The City Manager or designee is authorized to promulgate regulations to implement this provision.

**22-18.8 - Time for commencement and completion of repairs by owner.**

If the owner elects either to personally perform the repairs, or hire a licensed contractor to perform the repairs, then the repairs shall be completed within sixty (60) days of the City's issuance of the first notice to repair to the owner. Once commenced, the repairs shall be completed diligently and without interruption.

**22-18.9 – Owner agreement with City to make required repairs.**

The City Manager or their designee is authorized to establish and manage a program for the City to perform the required repairs and be reimbursed by the owner for the cost of repairs pursuant to a voluntary agreement between the City and the owner.

**22-18.10 - Failure to make required repairs.**

If, after the City issues a notice to repair on the owner, the owner fails to respond to such notice within the time specified on the notice and advise the City whether the owner elects to 1) personally perform the repairs, 2) hire a licensed contractor to perform the repairs, or 3) request the City to perform the repairs and be reimbursed by the owner for the cost of repairs, then the City may commence and complete the required repairs.

**22-18.11 - Payment for repairs by City.**

A. The owner is responsible for paying the costs incurred by the City for the City's repair of a defective sidewalk pursuant to this Section 22-18. Such costs may include any administrative or inspection costs associated with the repair.

B. Following the City's completion of repairs pursuant to this Section 22-18, the City shall issue an invoice for such repairs to the owner.

C. Notwithstanding any contrary provision of this Section 22-18, if the owner demonstrates to the reasonable satisfaction of the City's Finance Department that a payment plan is needed for the cost of the repairs, then the City may establish a payment plan with the owner pursuant to the City Manager or designee's discretion. The City Manager or designee is authorized to promulgate regulations to implement this provision.

**22-18.12 - Collecting costs of sidewalk repairs upon nonpayment of invoice.**

A. If the owner does not provide payment in full to the City within forty-five (45) days after the City issues an invoice for sidewalk repair to the owner, and the owner has not otherwise established a Finance Department-approved payment plan with the City, the City may issue a second invoice for repair to the owner. If the owner does not provide payment in full to the City within 45 days of issuance of the second invoice, the City may initiate collections proceedings to collect such funds as authorized by law.

B. The City Manager or their designee may issue a notice of collections to all owners who fail to pay for any work performed by the City for repair of a defective sidewalk. This notice shall include an additional fee for collections, as set in the City's Master Fee Schedule; methods of payment; and a final due date for payment of the amount owed (which shall be no earlier than thirty (30) days after the collections notice); and a statement that the City may pursue legal action for nonpayment pursuant to Section 1.5-3 of this Code.

**22-20 - SPECIFICATIONS.**

**22-20.1 - Concrete Sidewalk, Parkway, Curb, Gutter and Driveway.**

No person shall construct any concrete sidewalk, parkway, curb, gutter or driveway in the City without conforming to the standards and specifications established by the City Engineer, the City of Alameda Standard Plans, and the State of California Standard Plans and Specifications.

**22-20.2 – Abandoned Driveways**

No person, firm or corporation shall construct any driveway approach without abandoning any existing unused driveway. No person shall block the use of any driveway without first abandoning the driveway. Abandoning a driveway shall include the replacement of curb, gutter, and sidewalk in accordance with the standard plans, as set forth by the Engineering Division of the City.

Section 2. CEQA DETERMINATION

In accordance with the California Environmental Quality Act (CEQA), the City Council finds and determines that the adoption of this ordinance is categorically exempt from

further environmental review pursuant to CEQA Guidelines section 15301 (Existing Facilities).

Section 3. SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 4. IMPLIED REPEAL

Any provision of the Alameda Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 5. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

\_\_\_\_\_  
Presiding Officer of the City Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 17<sup>th</sup> day of March 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18<sup>th</sup> day of March 2026.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Yibin Shen, City Attorney  
City of Alameda