


**CITY OF LOS ANGELES**

**INTER-DEPARTMENTAL CORRESPONDENCE**

**DATE:** October 19, 2011

**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:**  Nazario Saucedo, Interim Director  
Bureau of Street Services

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

This report is an update to the April 8, 2010 Bureau of Street Services (BSS) report discussed by a joint meeting of the Public Works and Budget and Finance Committees in April 2010 and an oral report presented by BSS at the July 20, 2011 joint meeting.

**RECOMMENDATIONS**

That the Public Works and Budget and Finance Committees:

1. Identify the 1-3 options which they deem the most feasible and instruct BSS and other applicable Departments to report back with a detailed implementation plan(s) with associated funding requirements to include staffing needs and program administration costs.
2. If at least one of the selected options requires the repeal of the limited tree root growth exception, forward the City Attorney report and proposed Ordinance (*Attachment A*) to the City Council, recommending adoption of the proposed Los Angeles Municipal Code (LAMC) change and associated California Environmental Quality Act finding.

**DISCUSSION**

LAMC Amendment

Previous reports under the Council Files, especially Attachment I to the February 12, 2008 BSS report to the Public Works Committee, outline in detail the history of sidewalk development in the City of Los Angeles, State of California legal authority, relevant law, legal opinions, and official actions taken with regard to sidewalk maintenance and responsibilities.

In summary, 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 1973, in part because of available federal funding, the City accepted responsibility for

repairs to curbs, driveways or sidewalks required *as the result of street tree root growth*. This limited exception is still effective today, despite the absence of funding.

The accompanying City Attorney Report (City Attorney Report No. R11-0132 dated March 31, 2011) transmits a Draft Ordinance, which recommends:

- repealing the *street tree root growth* exception, effectively returning the responsibility for repair of curbs, driveways and sidewalks damaged by any cause, including by street tree root growth, back to the adjoining property owner;
- increasing 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; and
- adopting a California Environmental Quality Act – Categorical Exemption Finding in conjunction with the LAMC amendment.

The City Attorney report and proposed Ordinance should be considered in conjunction with whichever option(s) are ultimately approved for implementation.

#### Other Jurisdictions

In 2008, BSS conducted a telephone survey to learn how other California and National Cities manage their sidewalk repair programs. The partial results are presented in *Attachment B*.

#### Implementation Options

In 2008, BSS presented a comprehensive plan for implementing a Point of Sale Program, which was developed by a task force comprised of numerous City Departments and private interests. The Public Works Committee instead instructed BSS to present implementation options for enforcing L.A.M.C. 62.104 and the “1911 Act”. Many of these options were previously presented in the April 8, 2010 BSS report and/or the July 20, 2011 oral report and could promote a City-wide approach:

1. **REPEAL THE LIMITED EXCEPTION AND ENFORCE 1911 ACT**  
BSS investigators would be required to inspect sidewalks and cite property owners, directing that repairs be started within ninety days. With any enforcement model, the City would need to identify how it would address property owners who fail to comply with the citation as well as how to aid property owners with a financial hardship.
  - 1A. **Enforce Citywide**  
The entire City would be covered in a time frame directly related to the resources allocated for the program.
  - 1B. **Complaint – Driven Program**  
In the absence of a proactive inspection program, the citation effort would be limited to locations brought to BSS’ attention through service requests and complaints.
  - 1C. **Enforce along Major and Secondary Highways**  
Major and secondary highways are major commuter and public transportation routes comprising approximately 25% of the sidewalk network. A limited

repair program as such would require significantly less resources or can be completed in a proportionately shorter period of time. The presumption is that these sidewalks accommodate much more pedestrian traffic and a targeted effort would benefit a greater number of people. More information would be needed from LADOT on pedestrian traffic volumes to substantiate the assumption. This approach would also be consistent with the City's Americans with Disabilities Act Transition Plan, which places a higher priority on public transportation corridors. However, most street trees are located in residential areas, which may be an indicator of more potential damage in those areas.

**1D. Enforce Adjacent to Sidewalk Trip and Fall *Claim* Locations**

Sidewalk improvements would be enforced against adjacent property owners where "Trip and Fall" claims have been filed with the City Clerk. The size of this program would be determined by the claims filed within a set time interval, whether 3 years, 5 years or other. With approximately 2,000 related claims filed each year, a 3-year program would consider 6,000 locations, whereas a 5-year program would consider 10,000 locations. It would further be logical to cite other noncompliant property owners on the block where damaged sidewalk exists. Allocated staffing and resources would determine which of these alternatives would be feasible.

**1E. Enforce Adjacent to Sidewalk Trip and Fall *Lawsuit* Locations**

For trip and falls unresolved at the claim level and which escalate to a lawsuit, this option would limit the targeted enforcement to property owners adjacent to those locations. The size of this program would be determined by the lawsuits filed within a set time interval, whether 3 years, 5 years or other. With approximately 200 lawsuits filed each year, a 3-year program would consider 600 locations, whereas a 5-year program would consider 1,000 locations. It again would be prudent to cite non-compliances on the remainder of the block.

**1F. Enforce under 1A, 1B, 1C, 1D, or 1E with a 50-50 Voluntary Sidewalk Repair Program**

**2. REPEAL THE LIMITED EXCEPTION AND DO *NOT* ENFORCE**

**3. REPEAL THE LIMITED EXCEPTION AND AUTHORIZE THE CITY ATTORNEY TO SEEK REIMBURSEMENT FROM HOMEOWNER'S INSURANCE IN CLAIMS WHERE LIABILITY IS ASSESSED**

Where the City has expenditures related to sidewalks claims and lawsuits, should City Policy include pursuing reimbursement with the adjacent property owner's insurance company? The City Attorney would have to estimate any staffing and resource needs for this option. Homeowners having to pay deductibles and insurance premium increases could be contentious.

**4. POINT-OF-SALE or POINT-OF-SERVICE or POINT-OF-PERMIT**

"Point-of-Sale" would require the buyer or seller of a property to obtain a Safe Sidewalk Certificate from BSS prior to the *close of escrow*.

**“Point-of-Service”** would require the buyer of a property to obtain certification prior to *utility connection*.

**“Point-of-Permit”** would require certification when any *building permit is issued* for repairs/improvements valued over \$20,000 (or other specified value).

4A. **Apply Any “Point” Program Citywide**

4B. **Apply Any “Point” Program in Commercial Zones**

With “Point-Of-Service” alone, sidewalk improvements would lag in commercial zones because commercial properties are not transferred as often as residential properties are. Explicit enforcement in commercial zones would place a priority on commercial zones which generally have higher pedestrian usage.

4C. **Apply any “Point” program with a 50-50 Voluntary Sidewalk Repair Program**

The challenges include establishing whether City funds should be used to help facilitate repairs that are the responsibility of private property owners and whether the City can reliably reserve sufficient funds to sustain a “50/50” program.

**5. SIDEWALK REPAIR ASSESSMENT DISTRICT**

Property owners within the City can form an assessment district to repair their sidewalks using the procedures in the California Streets and Highways Code. These districts do not require that the properties be contiguous and the districts can be of any size. However, the State Constitution stipulates that property owners shall vote on any assessments imposed for the construction or maintenance of public improvements, thus this option carries a risk of not being approved by the voters after the City has expended considerable time and effort to form a district.

The cost to administer a district will run approximately 20% of the assessment amount for districts that assess \$500,000 or more and up to 60% for smaller districts. If the amount owed is more than \$150, the property owners can pay in installments, however interest will accrue on the balance.

The Bureau of Engineering has resources to process only a few small districts each year so the formation of a large Assessment District or a large number of smaller Assessment Districts would require significant additional resources to develop and bring forward for a public vote and, if approved, require more resources to administer the Program over an extended period.

**6. BONDS**

This option would require recommendations from the CAO and other informed City Departments with regard to the various potential bond size and type scenarios. A comprehensive sidewalk survey may be required prior to bond development in order to better estimate the need and cost of sidewalk reconstruction. Current estimates are based on sample surveys and extrapolations from over 12 years ago. In 1998, Council placed Proposition JJ on the ballot which would have provided \$550 million over 20 years for

the construction of ADA mandated curb ramps as well as the repair of City sidewalks. That ballot measure was defeated by the voters, receiving only 43% support.

**7. MAINTAIN THE LIMITED EXCEPTION – CURRENT POLICY**

BSS would continue its current practice of making interim repairs using hot asphalt or other flexible, readily available and effective material that would not require removing the sidewalk and pruning tree roots or removing street trees.

Funding Opportunities

BSS manages an off-budget construction program of over \$100 million, much of which consists of transportation grant funded projects that often include a significant element of sidewalk reconstruction and/or new sidewalk connected to the subject public transportation corridor or special purpose (such as improving a safe route to a particular school). As an example, BSS has nearly completed \$12 million of sidewalk reconstruction work awarded for six projects funded through the American Recovery and Reinvestment Act of 2009. This work included \$2.5 million for a City-wide project. BSS will continue to seek out and apply for new City-wide opportunities that become available.

Using Alternative Sidewalk Materials and Construction or Management Practices

**1. “RIGHT TREE, RIGHT PLACE” STRATEGY**

The potential for infrastructure damage by tree roots can be reduced by implementing a phased tree removal and replacement program. Trees that have aged beyond their useful life can be replaced by utilizing the optimum tree species for the specific location.

**2. REMEDIAL TREATMENTS**

**2A. Sidewalk Grinding**

As a temporary measure, a lifted sidewalk up to ¾ of an inch can be ground down to remove the lifted edge and establish a smooth, continuous surface between adjacent concrete slabs. Over time, however, the sidewalk will continue to be lifted and it must then be replaced or ground again. In fiscal year 2006-07, BSS was authorized 13 positions and funded approximately \$1 million to repair over 18,000 locations City-wide.

**2B. Ramping**

Ramping over tree roots is commonly used to create a temporary sloped transition from the edge of a lifted section to the original grade. Typically, asphalt is used to replace some of the lifted concrete sidewalk.

**3. ALTERNATIVE MATERIALS**

In Fiscal Year 2008-09 when the City-wide and 50/50 Programs were last funded, the total cost for sidewalk reconstruction with conventional Portland Cement Concrete (PCC) was \$20+ per square foot when reconstructing a block at a time and \$35+ per square foot when reconstructing one parcel at a time (higher due to additional mobilization costs and usually more expensive tree mitigation work). It is estimated

that 60-70% or more of these costs were attributed to the removal of the existing concrete sidewalk, tree work, and repairs to driveways and sprinkler systems for damage caused by removal work. It therefore should be noted that the cost of replacement material and installation is relatively small.

### CONVENTIONAL CONCRETE (PCC)



**Cost - \$7/sq. ft installed, \$20/sq. ft. (including removals and preparation)**

BSS has experimented with alternative sidewalk materials to Portland Cement Concrete (PCC), including rubber panels, recycled mixed plastic materials, poured rubber materials, and porous concrete. Early versions of rubber sidewalk weathered quickly and did not last very long. Surfaces of more recent recycled materials wear relatively quickly leaving smooth and possibly slippery sidewalk finishes in wet weather. Porous concrete requires frequent maintenance (vacuuming) to preserve its environmental qualities and its relatively rough texture may not be suitable in all urban conditions. The total cost of sidewalk reconstruction using these alternate materials is normally higher than conventional PCC, ranging from \$24 - \$32 per square foot. Decomposed granite is yet another option that has not been studied by BSS for use on City sidewalks. Although relatively inexpensive and easy to install, design standards, potentially high maintenance requirements, and ADA requirements may not permit its use in many locations.

**3A. PANELS USING RECYCLED MATERIALS**

Sidewalk Panels consisting of plastic and other recycled materials are being tried in the City of Los Angeles and are being used in the City of Santa Monica and New York City, among other municipalities. When displaced by tree roots, panels can be removed to inspect and treat the underlying problem.

**RECYCLED MATERIALS (INCL. PLASTIC AND RUBBER)**



(Before)



(After)

**Cost - \$12/sq. ft installed, \$25/sq. ft. (including removals and preparation)**

**3B. RECYCLED RUBBER**

Advantages of rubber pavers or poured-in-place rubber include flexibility and often permeability and ease of repair

**POURED RUBBER MATERIAL**



Cost - \$18/sq. ft installed, \$32/sq. ft. (including removals and preparation)



### 3C. **POROUS CONCRETE**

Porous concrete allows water and air to pass through it. It is thought to encourage deep rooting by distributing water through the soil profile. To prevent water from accumulating under the sidewalk, porous concrete is best used over sandy or other well-drained soils. Much of Los Angeles' sidewalk network may not be conducive to this type of material

#### **POROUS CONCRETE**



**Cost - \$10/sq. ft installed, \$24/sq. ft. (including removals and preparation)**

BSS is currently testing other types of material more versatile than conventional Portland Cement Concrete (PCC) for making sidewalk repairs or for use as a sidewalk reconstruction material. These materials include recycled asphalt and “grindings” (fines from street profiling) mixed with recycled, crushed concrete and other materials. In most cases, these types of flexible materials can be used for making sidewalk repairs with or without removing damaged sidewalk or performing other involved preparation work. The total cost of sidewalk reconstruction using these alternate materials ranges from \$19 - \$20 per square foot. Sidewalk repairs requiring minimal removal and preparation work can be made at a cost of \$6-7 per square foot.

### COATED GRINDINGS



**Section # 1**  
Grindings with  
Colored Paint

**Cost: \$7/sq. ft. installed**  
**(\$20 incl. prep)**

**Section # 2**  
Concrete Powder Mixed  
with Grindings (No Paint)

**Cost: \$6/sq. ft. installed**  
**(\$19 incl. prep)**

**Section #3**  
Grindings with  
Colorless Paint

**Cost: \$7/sq. ft. installed**  
**(\$20 inc. prep)**

## MIXED GRINDINGS



(Before)



(After)

**Cost - \$6/sq. ft installed, \$19/sq. ft. (including removals and preparation)**

## HOT ASPHALT-CONCRETE



(Before)



(After)

**Cost - \$6/sq. ft installed, \$19/sq. ft. (including removals and preparation)**

BSS has had a long-standing practice of performing interim asphalt repairs on substandard sidewalk conditions that are brought to our attention. Most of these repairs can be made quickly without requiring equipment to remove the existing concrete sidewalk or performing tree root pruning or removal. In extreme cases when the sidewalk does have to be removed, asphalt can be used as a replacement material, allowing safe ramping over tree roots. Furthermore, the surface can be "dusted" using a cement powder, leaving a more acceptable color appearance. However, the key to keeping costs manageable is to avoid sidewalk removal and tree mitigation work whenever possible.

### Conclusion

Limited studies from over 12 years ago estimate sidewalk damage at 4,600 miles (about 40% of the network) at a cost today of over \$1.5 billion. Furthermore, BSS has very limited information as to where this damage is and to what degree a problem exists. Theoretically, sidewalk related trip and fall claims can be generated from anywhere in the City and a realistically sized program to implement any of the Implementation Options outlined in this report may not make a significant impact in mitigating the problem. Furthermore, all of these options require funding and new staff for inspection/enforcement, contract administration, assessment/debt management and general administration and support even if construction by City forces is not offered as an option. Option 7 (making interim asphalt repairs usually without any removals or tree work) can continue to be implemented, making all reported damaged conditions safe in a relatively timely manner without the need for additional funding or staff and is therefore the recommended staff option at this time.

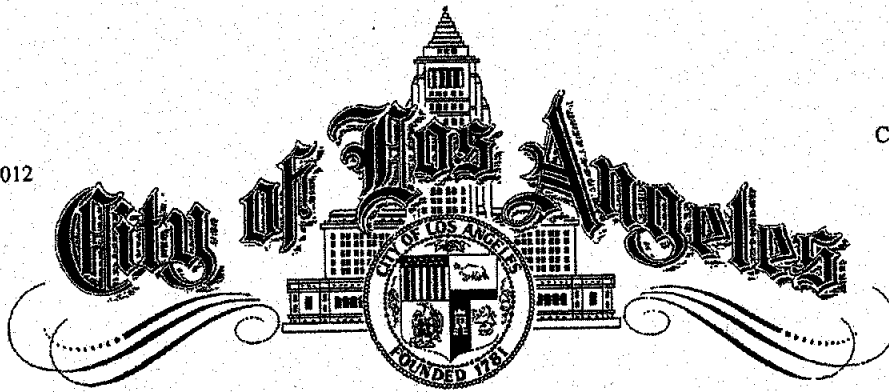
If you have any questions or if additional information is needed, please contact me or Assistant Director Ron Olive at (213) 847-3333.

Attachments

ATTACHMENT "A"

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

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CTrutanich@lacity.org  
www.lacity.org/atty



CARMEN A. TRUTANICH  
City Attorney

REPORT NO. R 1 1 - 0 1 3 2  
MAR 3 1 2011

REPORT RE:

**REVISED DRAFT ORDINANCE AND CEQA FINDING IN CONNECTION  
WITH AMENDING SUBSECTION (e) OF SECTION 62.104 OF THE  
LOS ANGELES MUNICIPAL CODE TO REPEAL THE "EXCEPTION"  
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 previously prepared and transmitted (City Attorney Report No. R09-0270) a draft ordinance that would amend 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 or reconstruction of curbs, driveways and sidewalks required as a result of tree root growth. Thereafter, your Honorable Public Works and Budget and Finance Committees requested this Office to revise the draft ordinance to increase the time required for adjoining property owners to commence the work of repair or reconstruction of curbs, driveways and sidewalks from two weeks to 90 days after the date notice is given. This Office now transmits for your consideration the attached revised draft ordinance, approved as to form and legality.

CEQA Exemption

This ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14, Chapter 3 of the California Code of Regulations Section 15301. Existing Facilities (which includes the repair of existing public structures or facilities involving negligible or no expansion of an existing use) and City CEQA Guidelines Article III 1.a.3 (repair, maintenance or minor alteration of existing highways and streets, sidewalks, gutters...). 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 sections.

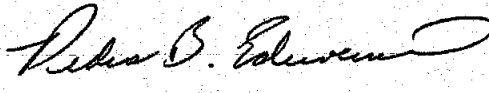
Council Rule 38

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

If you have any questions regarding this matter, please contact Assistant City Attorney Edward M. Jordan at (213) 978-8184. He or another member of this Office will be present when you consider this matter in order to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA  
Chief Assistant City Attorney

PBE:EMJ:mg  
Transmittal

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Subsections (b) and (c) of Section 62.104 of the Los Angeles Municipal Code to increase the time required for adjoining property owners to commence work of repair or reconstruction of curbs, driveways and sidewalks, and to repeal the EXCEPTION within Subsection (e) of Section 62.104 of the Los Angeles Municipal Code to eliminate City responsibility for the repair or reconstruction of curbs, driveways and sidewalks required as a result of tree root growth.

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

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

(b) **Time Required for Repairs.** Any owner, agent or occupant of any such premises, within ninety (90) days 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.

Sec. 2. Subsection (c) of Section 62.104 of the Los Angeles Municipal Code is hereby amended to read as follows:

(c) **Failure to Repair.** In the event a person neglects, fails, or refuses within ninety (90) days 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.

Sec. 3. 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

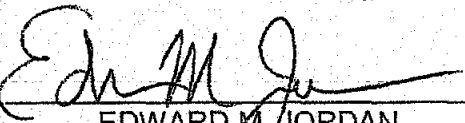
By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality:

CARMEN A. TRUTANICH, City Attorney

By   
EDWARD M. JORDAN  
Assistant City Attorney

Date 3-31-11

File No. 05-1853

ATTACHMENT "B"

STATE	CITY	Sq Miles	SW Prog	Trigger	Impacts	Comments
Alabama	Montgomery	156.19	City	City Engineer		
Arizona	Phoenix	517.17	Prop Owner&City	Inspection		The City does all repairs, there is no enforcement or budget. There is an informal complaint driven tracking of damaged locations.
Arizona	Tuscon	195.1	City	Inspection/Safety Haz		Every resident is charged. "Concrete Division" is in marks damage in orange.
Arizona	Mesa	133.13	City&Prop Owner	Monthly Tax of \$3.00		
Arkansas	Little Rock	116.81	Prop Owner&City	Inspection		
Arkansas	Fort Smith	52.9	City	Jan/vrly rpts		Engineering Div does repairs No enforcement/inspections. Grinding crew repairs, when in area they grind all locations, free. Rpt flow line w/rock drill. offered demo. Inventory is a result of complaints received. No budget. rprd approx 100,000 sq miles last year
California	Anaheim	50.5	City	Complaint		Tree damage = City responsibility
California	Berkeley	17.7	Prop Owner&City		Permits	Tree damage = City responsibility
California	Oakland	78.2	Prop Owner&City		\$20,000+ pulled trigger SW	
California	Pasadena	23.2	Prop Owner/POS		Inspection	Ord since 1991, began enforcement 2006 Notices (2) are sent (total of 90 days are given to comply), if noncompliant contractor rpts & PO is billed, if remains unpaid, City places a lien. Does not have a POS, but homeowners have complained about their insurance co requiring repairs.
California	Sacramento	99.2	Prop Owner	Complaint, notices are given to PO's in each direction 50 ft of the complaint location.	None	

ATTACHMENT "B"

California	San Francisco	231.92	Prop Owner/City	Complaint	Any permit pulled triggers SW inspection.	Notices are sent, if PO does not repair after 40 days, the City will under their SW Insp & Rpr Prog, PO is billed plus 12% admin fee. Private trees are responsibility of PO, City trees = City responsibility.
California	Santa Barbara	41.4	Prop Owner		The Nexus Program requires PO's to repair SW if damage occurs during home improvements.	Contract is awarded for \$1 million, used to have a 50/50 program but were advised that it was illegal due to Prop 218. Every 3 yrs, 1/3 of the City is inspected, by contract.
California	Santa Monica	15.9	City by contract			Prog requirements-City will complete rprs in 90days, minimum rpr of 75 sq ft must be "old & deteriorated", no tree damage, curbs included @ no cost, & driveways are extra cost. No inventory/inspection/enforcement. City rpr City tree damage. City uses contracts.
California	San Diego	372.1	Prop Owner/50-50	Complaint triggers inspection & notice of liability but there is no enforcement	Any permit pulled triggers SW inspection	Enforcement is based on complaint, notice issued, 30 days to rpr or court appearance, then lien. Damage by trees is still PO's responsibility.
Colorado	Denver	154.9	Prop Owner	Complaint	Improvements over \$100,000 require sidewalk/driveway/curb rpr	

ATTACHMENT "B"

Colorado	Boulder	25.4 Prop Owner&City	Prog by area/Complaint	None	City Prog is by area per yr, notices & public hearing are held, then City rprs in selected area. POs are billed no more than \$450. Annual budget \$650,000***if complaint is outside area & City rprs the PO is billed 50% of the cost, if PO rprs the City reimburses 50%. ***They are contracting out the inventory svc, but it is not completed (Cartograph Syst)
Connecticut	Hartford	18 Prop Owner&City	Complaint/Inspection	Permit-\$10,000	Permit-\$10,000
Connecticut	Bridgeport	19.4 Prop Owner&City	Permit-\$10,000+		Fees for SW repair include: SW, contractors & license: permit is only for minor rprs, major rprs must be done by City
Delaware	Wilmington	17 Prop Owner	No permit		20 days to rpr/City rpr @ PO expense
Florida	Tallahassee	98.2 Prop Owner	Permit/Price NA		
Florida	Jacksonville	885 City	Complaint/Hi Traffic/Ped		Originally prop owner, but officials changed to City. Used to cite/enforce. Now funded for \$1mil=6-7 miles, includes tree damage
Florida	Orlando	101 Prop Owner&City	Complaint/Inspection	Permit to rpr	12 mos to rpr/Tree damage, City rprs
Florida	Miami	55.27 Prop Owner	Inspection	\$50.00	
Georgia	Atlanta	132.4 Prop Owner	Inspection		City rprs @ PO expense
Georgia	Columbus	220.8 City	Claims		A permit must be obtained before Engr rprs
Georgia	Savannah	78.1 Prop Owner&City	Inspection		
Georgia	Macon	56.3 Prop Owner	Inspection		Citations issued for non-rpr, permit amt n/a
Idaho	Boise	64 Prop Owner	Inspection		City will rpr @ PO expense
Idaho	Nampa	19.9 Prop Owner			
Illinois	Chicago (Heights)	237 Prop Owner	Complaint	Permit (Bond) to rpr \$10,000	Owner must provide barricade w/light
Illinois	Springfield	60.3 Prop Owner&City			
Illinois	Aurora	39.4 City&Prop Owner	Inspection	Permit only for 50/50 (ADA Prog)	

ATTACHMENT "B"

Illinois	Rockford	56.7	Prop Owner&City	Inspection	Permit to rpr \$10.00	
Indiana	Indianapolis	372	City&Prop Owner	PO can rpr w/permit	Permit to rpr \$500.	City does most repairs
Indiana	Fort Wayne	79.12	Prop Owner&City			\$2,500 fine for non-compliance
Iowa	Des Moines	77.2	Prop Owner	City Inspection	Permit to rpr \$20.00	City rprs if owner does not @ owner's expense
Iowa	Cedar Rapids	64.4	Prop Owner&City			
Kansas	Topeka	57	Prop Owner	Complaints		
Kansas	Wichita	138.9	Prop Owner&City	Complaints		30 days to rpr
Kentucky	Frankfort	15	Prop Owner	Complaints	Permit to rpr \$1,000+ dependent on degree of damage	
Kentucky	Lexington	285.5	Prop Owner&City	Inspection	Permit to rpr \$100	
Louisiana	Baton Rouge	79.1	Prop Owner	Inspection (every 6 mos)		
Louisiana	New Orleans	350.2	Prop Owner&City	Investigation		
Maine	Portland	52.6	City	Complaint		City provides DIY & contractors list
Maryland	Annapolis	7.6	Prop Owner	Inspection/Complaint		
Maryland	Baltimore	92.1	Prop Owner&City	Inspection	No permit required	
Massachusetts	Boston	89.6	Prop Owner	Inspection	No permit required	
Massachusetts	Worcester	38.6	City	City Council	No permit required	
Michigan	Lansing	35.2	Prop Owner	Inspection	No permit required	
Michigan	Detroit	143	Prop Owner&City	Inspection		
Minnesota	St. Paul	56.2	Prop Owner	Inspection (Engng Div)	Permit to rpr \$50	
Minnesota	Minneapolis	58.4	City	Inspection every 10 wk/by area	Permit to rpr \$15	

ATTACHMENT "B"

Mississippi	Jackson	106.8	Prop Owner&City		No permit required	Per Ord. failure to maintain=misdemeanor
Missouri	Jefferson City	28.3	Prop Owner	Inspection	Permit required	
Missouri	Kansas City	318	Prop Owner&City	Inspection (Engng Div)	Permit cost n/a	
Montana	Helena	14	Prop Owner	Safety Complaint	Permit to rpr \$50	Permit required for new SW construction
Montana	Billings	41.6	Prop Owner&City		Permit/amt n/a	Owner also liable
Nebraska	Lincoln	75.4	City	Inspection		Citation issued for failure to repair
Nebraska	Omaha	118.9	Prop Owner&City	Inspection		PO liable/responsible for everything, including tree damage
Nevada	Las Vegas	131.3	Prop Owner	Inspection	No permit	Damage >250 sq ft across+\$50-\$130, damage 250 sq ft across \$35-\$65; failure to rpr, City will @ owners expense
Nevada	Reno	69.3	Prop Owner	Inspection		
Nevada	Carson City	155.7	Prop Owner	Inspection		
New Jersey	Newark	26	Prop Owner&City	Inspection/Complaints	Permit based on damage	
New Mexico	Albuquerque	181.3			Bidg permit & \$15, curb permit required	
New Mexico	Santa Fe	37.4	Prop Owner	Inspection		Failure to rpr. City will @ owners expense
New York	Buffalo	52.5	City	2 yr inspection cycle		City contract rprs every 2 yrs
North Carolina	Raleigh	115.6	Prop Owner&City	Safety Complaint		
North Dakota	Fargo	37.9	Prop Owner	Inspection		
Ohio	Columbus	212.6	Prop Owner	Complaint	Permit to rpr \$200	
Oklahoma	Oklahoma City	621.2	City (no enforcement)	Complaint	None	City actually provides rprs, inventory is in process, no inspection cycle.
Oklahoma	Tulsa	186.8	Prop Owner	Inspection	No permit	PO must provide barricade
Oregon	Portland	376.5	Prop Owner	Inspection	Permit to rpr \$1,000	City will hire private contractor to rpr @ owners exp if PO fails
Oregon	Salem	46.4	Prop Owner	Inspection	Permit	
Pennsylvania	Philadelphia	135	Prop Owner	Inspection	Permit to rpr \$1,000	

ATTACHMENT "B"

Rhode Island	Providence	20.5	Prop Owner&City	Inspection/Citation	License to rpr \$100	
South Carolina	Columbia	133.8	Prop Owner	Inspection/Complaint	Permit amt n/a Complaints by public	Must notify City when prop changes owners
South Carolina	Charleston	178.1	City	DOT is responsible		
South Dakota	Sioux Falls	68.6	Prop Owner	Injury Complaint		PO is responsible for injury damages
Tennessee	Memphis	313.8	Prop Owner	Inspection	Permit to rpr \$15,000	PO is responsible including tree damage
Texas	San Antonio	412.1	Prop Owner	Inspection	Permit to rpr \$500	City will rpr @ owners exp
Utah	Provo	41.8	Prop Owner&City	Inspection/Complaints	Permit to rpr \$200 + \$100 bond permit	
Washington	Seattle	142.5	Prop Owner			
West Virginia	Charleston	32.7	Prop Owner&City	Inspection		60 days to rpr/License \$25
Wisconsin	Madison	84.7	50/50			