

DATE SUBMITTED 03/26/2025
 SUBMITTED BY Human Resources
 DATE ACTION REQUIRED 04/02/2025

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: 1. Approval and adoption of the Sidewalk Inspection and Maintenance Program.	
DEPARTMENT INVOLVED: Human Resources	
BACKGROUND/SUMMARY: The City of Imperial is requesting the Council's consideration in the Sidewalk Inspection and Maintenance Program. The City has developed this program to ensure sidewalks are safe and accessible. This Program describes the standard procedures for the timely identification of walkway defects; obstacles to accessibility; and effective repair, replacement, and maintenance of the City's pedestrian paths of travel and minimizing the possibility of injury. The program applies to all improved walkways, sidewalks, and/or trails located within and under the control of the City.	
FISCAL IMPACT: NOT TO EXCEED Per the program, property owners are responsible for the maintenance and repair of sidewalk areas adjacent to their property. In its sole discretion, the City may utilize available resources to take corrective action to repair sidewalks, subject to the availability of resources and budget considerations which would be determined at the time of inspection.	FINANCE INITIALS <u>JMS</u>
STAFF RECOMMENDATION: Recommendation to approve and adopt the Sidewalk Inspection and Maintenance Program.	DEPT. INITIALS <u>KWS</u>
MANAGER'S RECOMMENDATION: Approve Staff Recommendation	CITY MANAGER'S INITIALS <u>DHM</u>
MOTION:	
SECONDED: AYES: NAYES: ABSENT:	APPROVED () DISAPPROVED () REJECTED () DEFERRED () REFERRED TO:

City of Imperial



Sidewalk Inspection and Maintenance Program

PENDING CC APPROVAL
City Council Agenda Item – April 2, 2025
DRAFT February 2025

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Introduction

The City of Imperial has an extensive network of public sidewalks, which vary in age and condition. Not every surface irregularity is considered a defect, but some conditions can pose unreasonable hazards for pedestrians and other users.

Sidewalk replacement and repair are costly, and comprehensive surveys require significant City resources. According to the [California Streets and Highway Code \(Sections 5610-5618\)](#), abutting property owners are responsible for maintaining sidewalks in good repair and safe for pedestrians. While maintenance and repairs of sidewalks is the responsibility of the adjacent property owner, the City recognizes the importance of safe and well-maintained infrastructure. Therefore, under appropriate circumstances and at its discretion, the City may take corrective action to address safety issues and maintain the City's infrastructure. This action is contingent upon available City resources and budget considerations.

Accordingly, the City of Imperial Public Services must use discretion and professional judgment to determine when sidewalks need replacement or repair. City agents, employees, and officials are expected to identify conditions requiring attention, schedule repairs, and establish priorities for replacement and repair. All work should comply with the [Imperial City Code, Chapter 19, Streets and Sidewalks Ordinance, Article III, 19-14 Maintenance and Repair of Sidewalks](#).

Purpose

The Sidewalk Inspection and Maintenance Program has been established to ensure sidewalks are safe and accessible. This Program describes the standard procedures for the timely identification of walkway defects; obstacles to accessibility; and effective repair, replacement, and maintenance of the City's pedestrian paths of travel and minimizing the possibility of injury.

Scope

The Program applies to all improved walkways, sidewalks, and/or trails located within and under the control of the City.

Responsibility

The program will be administered by the Public Services Department, however the notices of need to repair will be signed by the City Manager or designee.

The Public Services Director is responsible for the administration and implementation of the program. This includes, but is not limited to:

- Determining the schedule, staging, and prioritization for the sidewalk inspection and repair work covered by this Program. Decisions may be based on, but not limited to, these factors:
 1. Severity of the hazard;

2. Volume of pedestrian traffic;
 3. Americans with Disabilities Act (ADA) accessibility;
 4. Proximity to downtown businesses;
 5. Proximity to schools or senior centers; and
 6. Availability of City resources.
- Maintaining the hazard inspection logs.
 - Scheduling hazard mitigation or other prescribed action resulting from inspection or citizen complaints/notification.
 - Communicating with property owners. City Manager or designee will be responsible for issuing notifications letters.

Inspections

Sidewalks are inspected based on the following criteria:

- Prescribed annual inspections of zones identified on the grid inspection map (Appendix B) on a rotating basis. Sections of the City would be inspected on a five-year rotation
- Areas designated as a safe route to school visually screened regularly
- Citizen sidewalk service requests
- Sidewalk service requests involving an injury or accident responded to within 24 hours of notification
- Public Services, Building Inspector, or Code Enforcement employees who identify sidewalk hazards in the course of their duties
- Periodic inspections conducted regularly or as needed

The [California Government Code §830](#) defines a dangerous condition as a condition of property that creates a substantial (as distinguished from a minor, trivial, or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used.

An average vertical displacement between sidewalk abutments that is used to evaluate a “trivial defect” is $\frac{3}{4}$ inch. Vertical displacements less than $\frac{3}{4}$ inch should not be excused for non-hazardous situations. All hazards must be evaluated whether the hazards are critical or not. For example, a $\frac{1}{2}$ inch displacement could be hazardous in an area near a retirement home.

The inspection process includes:

- Timely investigation upon receipt of a complaint
- Documented inspections
- Documented property owner notification when notification is appropriate
- Development of a corrective action plan
- Documented corrective action

A plan of action will be developed from the inspection process that targets our more hazardous sidewalks for repair/replacement to reduce the potential for an incident to occur resulting in an injury or a claim for damages.

Our procedure is to document inspections and repairs/replacement of all sidewalks. A photo/video of the sidewalk that is in need of repair will be taken:

1. Prior to the repair
2. After warning/protections are put into place
3. After the repair or replacement phase is completed

Photographs

The condition of the sidewalk will be photographed with a digital camera before the work is started to provide evidence in case a claim for damages occurs from the abutting property owner after the sidewalk is repaired/replaced. Images of damaged sidewalks will include:

- The surrounding area(s) (i.e., trees, shrubbery, lawn fixtures, driveway approaches, and lawn).
- Utilization of a tape measure or an object for scale.
- A straight edge may be used to help with documenting width and depth. If a straight edge is used, it should be at least 36" in length.

Inspection Criteria

Sidewalk inspectors should look for conditions likely to inhibit pedestrian access or cause injuries. The list of common sidewalk maintenance problems may include, but is not limited to:

Step separation

- Vertical displacements that exceed 0.75 inch should be documented and scheduled for repair. Any displacement less than 0.75 inch should be noted and evaluated for possible hazards.
- A vertical displacement of 0.5¹ inches or greater at any point on the walkway that could prevent the wheels of a wheelchair or stroller from rolling smoothly.

Badly cracked concrete

Examples include holes and rough spots ranging from hairline cracks to indentations wider than 0.5 inches. Check for damage around traffic signals, utility poles, ground utility boxes, streetlights, and regulatory signposts.

Sidewalk damage around a construction site with heavy equipment should be noted; the construction company could be held responsible.

Spalled areas

Fragments of concrete or other building material detached from larger structures.

¹ 2010 ADA Standards for Accessible Design, Section 303.3

Settled areas that trap water

Such as sidewalk segments with depressed areas, reverse cross slopes, or other indentations that make the sidewalk path lower than the curb. These depressions trap silt and water on the sidewalk and reduce the slip resistant nature of the surface. Sloped sidewalks exceeding a 5:1 ratio should be documented and scheduled for repair.

Tree root damage

Roots from trees growing in adjacent landscaped areas that cause the walkway surface to buckle and crack. During a sidewalk installation or repair, the roots of a tree may be impacted. A qualified individual, such as an arborist, may be called upon to inspect the tree to see if it is structurally stable after cutting the roots. If the tree is not stable it will be removed or structurally supported to prevent the tree from falling.

Vegetation overgrowth

Ground cover, trees, or shrubs on properties or setbacks adjacent to the path that have not been pruned can encroach onto the path and create obstacles. Vegetation that takes root in sidewalk section seams and cracks can create trip hazards and barriers to access.

Obstacles

Objects located on the sidewalk, in setbacks, or on properties adjacent to the sidewalk that obstruct the passage space. Obstacles commonly include trash receptacles, utility poles, newspaper vending machines, and mailboxes.

Brick or concrete walkways and tree wells installed by property owners should be level with the sidewalk. The owner should be notified and required to make repairs within a reasonable period of time.

General Safety

Any safety issue that a pedestrian or sidewalk inspector believes should merit attention, such as:

- Blocked drainage inlets and inadequate flow planning
- Temporary construction interruptions
- Inadequate patching after utility installation

Source: DOT Best Practices Design Guide for Bicycle and Pedestrian Program

See [California Streets and Highway Code, Sections 5610-5618](#) for specific language.

Upon determination that a public nuisance exists on any lot or premises or upon any sidewalk, an authorized City employee will issue a notice to the homeowner or business owner to abate such nuisance(s). The notice to abate the public nuisance may be served by posting the notice at the property or by other means.

Repair or Replacement Procedure

- Conduct an initial investigation within a reasonable timeframe upon the City (i.e. Public Services Department) receiving a complaint/notification.
- Identify the areas needing repair with high-visibility fluorescent (i.e. orange) paint.
- Take the damaged section out of service through the use of barricades, appropriate posted signage, and pedestrian traffic detours to other sidewalk(s) if necessary.
- Establish a repair priority level (see Priority Levels Section).
- Enter repair request into the work order system.
- Use most appropriate repair method (see Repair and Replacement Options Section).
- Update the work order system as needed to identify action(s) taken.
- Close out the work order once the repair or replacement is complete.

NOTE: Once a defect has been marked with paint, the City must act within a reasonable period of time (i.e., two weeks maximum) to correct the condition. If the location cannot be repaired in a timely fashion, paint should be reapplied at 90-day intervals.

Repair and Replacement Options

The following options are available for repairing/replacing sidewalks (each repair process has limitations):

Asphalt Overlay: Asphalt overlays are effective as a temporary measure to smooth the surface of the concrete if the concrete is severely spalled or cracked.

Crack Filling: Crack filling is a process that fills cracks and voids with concrete in order to even out the surface.

Concrete Grinding: Concrete grinding is the process used to remove the upper surface of a slab of concrete by using an abrasive machine.

Concrete Saw Cutting: Concrete saw cutting is the cutting from edge to edge of the sidewalk to eliminate the trip hazard.

Mud Jacking: Mud jacking is used to correct differential settlement between concrete panels. It is appropriate where individual panels are in relatively good condition but have settled adjacent to one another.

Removal and Replacement: Sidewalk removal and replacement is appropriate if severe damage has occurred to the sidewalk that cannot be corrected by one of the methods described above.

Preventative Measures:

- Schedule regular inspections and maintenance to address minor issues before they become major problems.
- Install root barriers to prevent future displacement caused by tree roots.
- Ensure proper drainage around the sidewalk to prevent water accumulation and potential damage.

Priority Levels

Priority levels for sidewalk repair and replacement are determined as follows:

1. Low — Visible, but not a concern (i.e., displacement less than $\frac{3}{4}$ inch)
2. Moderate — Minor hazard, some maintenance required (displacement $\frac{3}{4}$ inch to $1\frac{1}{4}$ inches)
3. High — Safety hazard, maintenance or replacement (displacement greater than $1\frac{1}{4}$ inches)
4. Extreme — Hazardous, priority replacement

Greater importance is assigned to areas such as school zones, senior centers, extreme hazards, business districts, and high walking traffic zones. A deficiency rating of 4 or Extreme may be assigned regardless of the level of displacement. This rating places priority on the location needing repair due to the volume of pedestrian activity.

Sidewalk Warnings

Prior to a sidewalk being repaired or replaced, crews should install warnings or barriers on or near the damaged area of the sidewalk to ensure pedestrian safety during the repair process. Warnings may include, but are not limited to the following:

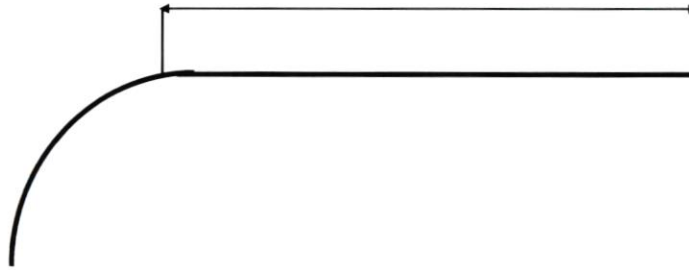
- High-visibility paint
- *CAUTION* cones
- *CAUTION* tape
- Barricades

Data Collection

Inspection forms, including field notes, should be dated and titled with the name of the person performing the inspection. Entries should be legible; identified uplift should be photographed using an appropriate reference device, such as a tape measure, both before and after spray painting; and entries should be maintained in one centralized location.

If repairs are performed, the cost of staff time and materials should be documented. Repairs should be photographed before and after. The photo and accompanying work order should be signed and dated by the person performing the repairs.

An address can be used to identify the location of a sidewalk hazard. If an address is not found, measure the distance from the end of curb return (ECR) to the location of the sidewalk hazard. Streets may also be assigned a proper identification number.



Inspect on one side of the street, and then complete the opposite side. Since sidewalks are located on both sides of the street, specify on which side of the street the hazard is located. To keep track of streets that have been inspected, use a grid map and color or highlight the street segments that have been completed at the end of the day.

In some locations (especially on commercial streets), the boundary of the public right-of-way is not obvious. Before starting inspections on a commercial sidewalk, verify which portion of the sidewalk is under the City's jurisdiction. Inspection personnel must review street and utility maps on file in the engineering division. If still unsure, ask the public works inspector or the City engineer before starting fieldwork.

Inspection reports should have a date of submittal and date of inspection. A copy should be submitted to the City engineer and the public works inspector (one copy per person). The public works inspector will check the report and prepare a service request for the street maintenance foreman.

Data Entry

The collected data should always be stored using an easily recognized file name, such as "sidewalk inspections." The file should always include the following fields:

- Street name
- Street side
- Submittal date of repair service request
- Identification number
- Date of data collection
- Reported repairs
- Date of repairs made
- Description of repairs made
- Name of staff member who performed inspection and department

Financial Responsibilities

Property owners are responsible for the maintenance and repair of sidewalk areas adjacent to their property. This includes (but is not limited to):

- Removal and replacement of sidewalks
- Removal and filling or replacement of parking strips
- Removal of shrubs or trees impacting the conditions of sidewalk areas

- Removal of weeds and/or debris
- Trimming of shrubs and/or ground cover
- Trimming shrubs within the area between the property line and the street line, including parking strips and curbs

Property owners have the following options available to accomplish sidewalk replacement:

- (A) They may do the work themselves. If this option is chosen, they will be required to obtain an encroachment or excavation permit from the City. The work must be performed in accordance with the City Ordinance and standards.
- (B) They may hire a licensed contractor to perform the work. Permit and work standards are applicable as stated above.
- (C) They may have the City repair the sidewalk at their expense. Permit and inspection fees will be included in the cost of repair.

Sidewalk replacement will incur charges for the City's inspection and administrative costs whenever the City awards a contract for such maintenance and repair. The specific amount will be determined by a resolution of the City Council.

Property Owner Notification

To allow property owners time to set aside funds for a possible assessment as a result of the sidewalk improvement program, advance notice will be given to the property owners who are affected using the Sidewalk Repair Notice (Appendices D and E). These notices may be sent by posting it at a conspicuous place on the land or premises or the abutting public right-of-way; by personal service on the owner, occupant, or person in charge or control of the property; or by sending a copy by certified mail to the property owner.

A mechanic's lien may be placed on properties for non-payment.

Follow-Up Procedures

The City will follow-up within 30 days of notification to ensure the sidewalk defect has been mitigated or corrected.

In its sole discretion, the City may utilize available resources to take corrective action to repair sidewalks, subject to the availability of resources and budget considerations.

Incident/Accident Reporting Procedures

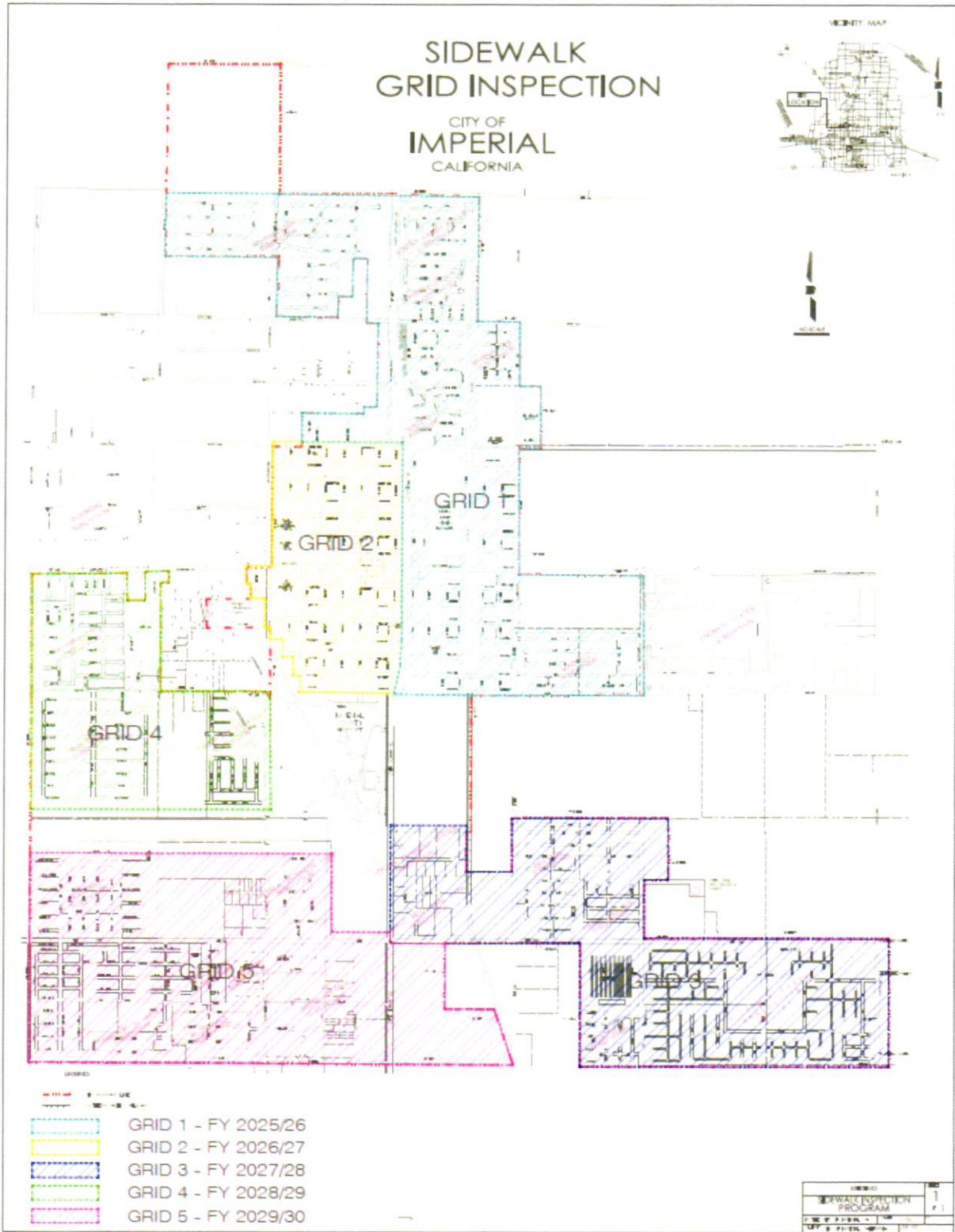
- Notify the City Clerk's Office of an injury that results from a sidewalk trip and fall.
- The Human Resources and Risk Management Department will investigate the injury allegation to determine the facts.

- When needed, the Human Resources and Risk Management Department will coordinate with other departments to investigate issues with sidewalk complaints and to evaluate any needed repairs.
- The Human Resources and Risk Management Department will notify the City's third-party liability claims administrator when a claim is filed.

Record Keeping

All documentation and photos of sidewalk inspections, complaints, notifications, replacements, and repairs are to be maintained by the Public Services Department. Records will be retained per the City's record retention policy.

APPENDIX B – SIDEWALK MANAGEMENT GRID MAP



APPENDIX C – Sidewalk Management Criteria Chart

The following criteria will be used to maintain sidewalks:

Sidewalk Condition	Action
A. Sidewalk vertical displacement less than $\frac{3}{4}$ "	Should be noted and evaluated for possible hazards.
B. Sidewalk vertical displacement between $\frac{1}{2}$ " and $1\frac{1}{2}$ "	Sidewalk is ground or sliced smooth when the integrity of the sidewalk is good. If the sidewalk is in poor condition, it will be removed and replaced with new concrete.
C. Sidewalk vertical displacement greater than $1\frac{1}{4}$ "	Sidewalk is removed and when funding is available plain cement concrete (PCC) will be poured back in place. If funding is limited, the City may elect to use asphalt in place of PCC. When asphalt concrete (A/C) is used instead of PCC the City will place the repaired location on a list to ensure replacement with PCC at a later date when funding is available.
D. Sidewalk cracked, creating an uneven and lifted surface	Sidewalk is removed and replaced in next scheduled zone or City-wide sidewalk maintenance project.
E. Sidewalk shows breaking, cracking, spalling of concrete to a depth or width of $\frac{1}{2}$ " or greater	Repair specific to structural failure. Concrete patch may be used.
F. Objects, grates, or sidewalk condition or width are a barrier to accessibility for pedestrians, mobility or visually impaired persons	Finding provided to ADA Coordinator and prioritized for remediation consistent with the City's ADA transition plan.
G. *Uplifted curb and gutter (where the curb and gutter are displaced and/or ponding water is undermining the adjacent pavement)	Will only be replaced if the homeowner shares in the cost of the work.
H. *Uplifted curb and gutters (where the curb and gutter are displaced in a way and in a location that will cause either vehicle damage or hindrance to pedestrian travel.	Location is added to the curb and gutter list for removal and replacement.

*Uplifted or damaged curb and gutter is not a priority; the City's first priority is to address curb and gutter conditions that interfere with access to the pedestrian walkway areas and limits access to main path of travel. Ponding water in the gutter pan only becomes a priority when the water affects the stability and integrity of the adjacent pavement section as water in the pavement sub grade will deteriorate the service life of City streets.

APPENDIX D

[Date]

SIDEWALK REPAIR NOTICE – FIRST NOTICE

[Name of Property Owner]

[Street Address]

[City, State Zip Code]

RE: Sidewalk Inspection and Maintenance Program – First Notice to Repair

Dear Property Owner:

Your property located at [ENTER PROPERTY ADDRESS](#) was recently inspected under the City's Sidewalk Inspection and Maintenance Program. As such, portions of the sidewalk have been marked for repair and/or replacement.

The State of California, Streets and Highway Code, Section 5610 states property owners shall maintain any sidewalk fronting their property in such condition that will not endanger persons or property and maintain it so that it will not interfere with public convenience.

Upon receipt of this notice, we are requesting that you take action as soon as possible to correct the hazard. The marked sidewalk area on your property has the potential of tripping pedestrians, resulting in personal injury and possible liability.

You have the following options available to accomplish the repair:

- (A) You may do the work yourself. If you choose to do this, it will be necessary for you to obtain an encroachment permit from the City. The work must be performed in accordance with City standards. Permits can be obtained at the Community Development Department, 400 S. Imperial Ave., Ste. 101, Imperial, CA 92251.
- (B) You may hire a licensed contractor to perform the work. Permit and work standards are applicable as stated above.
- (C) You may have the City repair the sidewalk at your expense. Permit and inspection fees are included in the cost of repair.

If the repair, or a response to the City, with intention to repair, is not initiated **within two weeks** of this notice, the City will add the sidewalk area to a scheduled list of repair work. Any costs incurred for the repair of the sidewalk will be at your expense. Failure to pay may result in a lien being placed on the property.

If you have any questions or concerns regarding this matter, please contact me at [INSERT CONTACT INFORMATION](#).

Sincerely,

APPENDIX E

[Date]

SIDEWALK REPAIR NOTICE – SECOND NOTICE

[Name of Property Owner]

[Street Address]

[City, State, Zip Code]

RE: Sidewalk Inspection and Maintenance Program – Second Notice to Repair

Dear Property Owner:

Your property located at **ENTER PROPERTY ADDRESS** was inspected under the City's Sidewalk Inspection and Maintenance Program. As such, portions of the sidewalk on your property have been marked for repair and/or replacement.

A notice to repair the sidewalk was sent to your property on **INSERT DATE**. This second notice is to bring to your attention that the sidewalk on your property has not been repaired. Per the State of California, Streets and Highway Code, Section 5610, property owners shall maintain any sidewalk fronting their property in such condition that will not endanger persons or property and maintain it so that it will not interfere with public convenience.

Upon receipt of this notice, we are requesting that you take action to correct the hazard. The marked sidewalk area on your property has the potential of tripping pedestrians, resulting in personal injury and possible liability.

You have the following options available to accomplish the repair:

- (A) You may do the work yourself. If you choose to do this, it will be necessary for you to obtain an encroachment permit from the City. The work must be performed in accordance with City standards. Permits can be obtained at the Community Development Department, 400 S. Imperial Ave., Ste. 101, Imperial, CA 92251.
- (B) You may hire a licensed contractor to perform the work. Permit and work standards are applicable as stated above.
- (C) You may have the City repair the sidewalk at your expense. Permit and inspection fees are included in the cost of repair.

If the repair, or a response to the City, with intention to repair, is not completed **within two weeks** of this notice, the City will add the sidewalk area to a scheduled list of repair work. Any costs incurred for the repair of the sidewalk will be at your expense. Failure to pay may result in a lien being placed on the property.

If you have any questions or concerns regarding this matter, please contact me at please contact me at **INSERT CONTACT INFORMATION**.

Sincerely,

APPENDIX F

DE-ESCALATION TECHNIQUES AND RESOURCES FOR CITY EMPLOYEES

Dealing with property owners regarding sidewalk repairs can present certain challenges. To assist city employees in managing these interactions effectively, the following de-escalation techniques and resources are recommended:

1. **Stay Calm and Professional:** Maintain a calm demeanor and professional tone, even if the property owner becomes agitated. Staying calm helps prevent the situation from escalating further and allows you to control or at least influence the outcome.
2. **Active Listening:** Practice active listening by giving your full attention, maintaining eye contact, paraphrasing what others say, and demonstrating empathy.
3. **Empathy and Validation:** Acknowledge the other person's feelings and concerns to foster a productive dialogue. Phrases like "I understand this is frustrating for you" can go a long way in calming someone down and help defuse tension.
4. **Clarify and Explain:** Clearly explain the reasons for the sidewalk repair notice. Providing detailed information can help reduce misunderstandings and frustration.
5. **Offer Solutions or Options:** If possible, offer solutions or alternatives that can help address the property owner's concerns. This shows that you are willing to work with them to find a resolution.
6. **Set Boundaries:** If the conversation becomes too heated, it's important to set boundaries. Politely but firmly state that abusive language or behavior is not acceptable.
7. **Use Positive Language:** Use positive and inclusive language such as "let's work together" or "we can find a solution." This can help create a collaborative atmosphere.

Resources

Training Programs: Consider developing and implementing de-escalation training programs specifically designed for city employees.

City Policies and Guidelines: Ensure that all employees are familiar with the city's policies and guidelines on handling difficult interactions. Providing a sample script can be helpful. This can provide a framework for consistent and professional behavior.

Support Services: Utilize support services such as employee assistance programs (EAPs) that offer counseling and stress management resources. These can help employees cope with the stress of difficult interactions.