

Street Maintenance Division
2101 "G" Street, Bldg E
Fresno, CA 93706-1620
Telephone 559-621-1492

DATE

Property Owner Name

Address

Fresno, California 937XX

Re: Damaged Sidewalk at LOCATION ADDRESS

It has come to the attention of the Street Maintenance Division of the City of Fresno that the sidewalk at ADDRESS, Fresno, California, has been damaged or is out of compliance with the Americans with Disabilities Act (ADA) Standards. [State specific problem. Examples: The tree on your private property has lifted the sidewalk causing a height differential measuring in excess of 1/4 inch; the surface of the sidewalk is cracked to such a degree that it is a barrier to access.]

In accordance with Fresno Municipal Code (FMC) Section 13-217 and the State of California Streets and Highways Code, the fronting property owner bears the responsibility for sidewalk maintenance. When damage is caused by trees of the City, the property owner is not responsible for the repair of the sidewalk fronting his or her property. However, in this instance the City has determined the damage to the sidewalk is not caused by a City tree.

Section 5610 of the State of California Streets and Highways Code states:

The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

Section 13-217 of the Fresno Municipal Code states:

Duty of the Property Owner to Repair Sidewalks. The owners of lots or portions of lots fronting on any portion of a public street or place which is improved shall

have the duty to maintain and repair the sidewalk area as defined in this article in accordance with the provisions of Chapter 22, Part 3, Division 7 of the California Streets and Highways Code, provided, however, that after written notice to the Director and concurrence by him/her that the condition is hazardous, the city shall make the following repairs:

- a) Repairs to the sidewalk area which are necessitated by damage caused by trees located within the street right-of-way.*
- b) Repairs to gutters, including curbs if the curb and gutter are of monolithic construction.*

Notwithstanding the above, the property owner shall be responsible to repair damage caused by him/her, his/her agent, or by persons acting under the property owner's direction or control. The Director shall have the power and duty of enforcing the repair and maintenance of sidewalk areas required by this Section in accordance with the provisions of Chapter 22, Part 3, Division 7 of the California Streets and Highways Code. Whenever the repair of sidewalk areas include the repair of damage to curbs or gutters, the work shall be performed by a licensed contractor. Permit applicants shall not be required to pay permit processing or inspection fees or provide liability insurance or performance bonds, notwithstanding Sections 13-206 and 13-207.

To ensure that all members of the public have access to the sidewalk program, we are notifying you of your obligation to correct this sidewalk issue.

You may contact the City of Fresno Engineering Division at (559) 621-8800 to obtain a “no fee” permit and hire a licensed contractor, at your expense, to repair the sidewalk and restore it to the proper grade and standards. This work needs to be performed in accordance with the City of Fresno Standard Specifications and Drawings.

Thank you for your prompt attention to this matter. If you are not the owner of said property, please let me know. If you have any questions, feel free to contact me at (559) 621-1350.

Sincerely,

NAME
City of Fresno Department of Public Works
Street Maintenance Division

CC:
Americans with Disabilities Act (ADA) Coordinator
FILE