

12.36.010-12.36.030 PUBLIC WORKS

Chapter 12.36

MAINTENANCE AND CONSTRUCTION OF SIDEWALKS,
DRIVEWAYS, CURBS AND GUTTERS

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12.36.010 Title. This chapter shall be known as the sidewalk ordinance.

12.36.020 Scope. This chapter sets forth rules and regulations to control the repair and construction of sidewalks, driveways, curbs and gutters, and the removal of obstructions from sidewalks, driveways, curbs and gutters; establishes the administrative procedures for issuance of permits; and provides for the control of obstructions placed where the construction, alteration or repair work is performed for the purpose of safeguarding persons and property against unreasonable hazards resulting from uncontrolled construction practices, in the interest of public health, welfare and safety.

12.36.030 Actions prohibited. It is unlawful for any person to perform any work within the scope of this chapter except for the removal of obstructions, without first having obtained a permit from the department of public works pursuant to this chapter.

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12.36.040 Guarantee deposit fee. A licensed concrete contractor desiring a permit pursuant to this chapter must first deposit with the director of public works of the city of Richmond a guarantee deposit fee as hereinafter provided. No fee is required when a homeowner desires a permit pursuant to this chapter to do work on the frontage of his own home.

The guarantee deposit shall be retained by the city of Richmond for a period of twelve months after the date of the completion of the work called for in the last permit issued, and no permit shall be issued unless such guarantee deposit shall be reimbursed by the depositor for any deductions made as provided in this chapter. If within twelve months after the completion of the work called for in any permit the sidewalk and/or curb and gutter and/or driveway should break, disintegrate or otherwise fail to comply with the provisions of this chapter, the director of public works shall notify the person making the deposit of such break, disintegration, or failure, and specify the repairs needed or work to be done, and such person shall, within ten days from the date of such notice, make such specified repairs. If such repairs are not made within the fixed time, the same may be made by the director of public works and the cost thereof shall be paid from the guarantee deposit on hand with the city.

After a lapse of twelve months from the date of completion of work called for in the last permit issued to any permittee, upon written demand of such permittee, or his successors or assigns, where such transfers or assignment is made in the manner as hereinafter provided, accompanied by a certificate from the director of public works stating that all needed repairs have been made, and that all the conditions of this chapter have been complied with, the city of Richmond shall return the guarantee deposit, or such portion thereof as may remain after deduction of all fees for repairs and work done as aforesaid, to the permittee or his said successors or assigns. (Amended by Ordinance No. 58-79 N.S.)

12.36.050 Transfer of guarantee deposit. The guarantee deposit may be transferred to another party where such transfer is made pursuant to a judgment of court, or by an agreement of dissolution of a partnership or upon a bona fide sale of the business of the person having ceased to do work under the permit, and entitled to a return of the deposit as provided in this chapter. In the event of any transfer, the receipt for such deposit, or satisfactory proof of the loss of same, must be delivered to the director of public works for verification. No transfer shall be made of the deposit other than as provided in this section.

In the event of a transfer of the guarantee deposit, such transfer shall in no way affect the liability of the deposit for any work done by the person transferring the deposit, nor shall it in any way affect the liability of such person under the provisions of this chapter.

12.36.060 Permit. The director of public works shall charge a fee for each and every permit issued, in addition to inspection and engineering

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fees as hereinafter provided in this chapter. In no case shall a permit be granted to construct sidewalks, curbs and/or gutters where the council has declared its intention to construct such sidewalks, curbs and/or gutters under the general laws of the state of California, and also provided that in the event any of the terms or conditions of this chapter are not complied with, no further permit shall be issued to such person while non-compliance continues to exist, or while such person is indebted to the city of Richmond for money expended in accordance with the terms and conditions of this chapter.

12.36.070 Inspection—Fee. It shall be the duty of the director of public works to cause an inspection to be made of sidewalks, driveways, curbs and gutters constructed under the permit, to ascertain whether such work is being done, or has been done, in accordance with the provisions of this chapter and the permit issued therefor.

The director of public works shall charge an inspection fee for all installations of sidewalk, driveway, curb or gutter as hereinafter provided. (Amended by Ordinance No. 58-79 N.S.)

12.36.080 Transfer of permit for construction of sidewalks, driveways, curbs or gutters. No construction and/or repair of sidewalks, driveways, curbs and/or gutters to be performed under a permit issued pursuant to this chapter shall be performed except by or under the supervision of the designated permittee, who shall also be the person who is responsible to the owner or contractor for the work. In the event that it shall be ascertained that any work is being done, or has been done, under a permit issued to anyone other than the person responsible to the owner for the work, and in the event it shall be proven that the use of the permit was with the knowledge and consent, express or implied, of the designated permittee, then the guarantee deposit made by such permittee shall become forfeited to the city of Richmond.

12.36.090 Control of work—Construction of sidewalks, driveways, curbs and gutters—Compliance with permit and adopted specifications. All sidewalks, driveways, curbs and/or gutters must be repaired and/or constructed in every particular in accordance with the permit therefor issued; must be completed within thirty days from the date of the permit, unless an extension of time thereon is granted by the director of public works. If all of the construction and/or repair work of any sidewalk and/or driveway is not completed at the expiration of the time allowed by the permit appertaining thereto, and in accordance with the terms of this chapter, the director of public works may notify the contractor to complete the work within two days, and if not so completed, the director of public works is authorized to have the same done at the expense of the contractor, and his guarantee deposit, or as much thereof as may be necessary, shall be applied in payment therefor. Such work must be in accordance with such specifications as may

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be adopted by the city of Richmond, from time to time, for the construction and/or repair of sidewalks, driveways, curbs and/or gutters.

12.36.100 Driveway defined—Approved width. A “driveway” is defined as any approach leading to or from a street which passes over or upon the curbing, parking, or sidewalk area, for the purpose of a vehicular approach. Such driveway width shall not be less than twelve feet or more than twenty feet at the curblines except that with the approval of the director of public works, such driveway may be constructed to a greater width.

12.36.110 Elimination of abandoned driveway—Authority of director of public works. The director of public works shall have the power and authority to determine that the use for which a driveway was constructed has been abandoned and give written notice requiring that, at the owner's expense, the curb, parkway and sidewalk shall be restored to its original condition, or that a curb be constructed if none previously existed and that the parkway and sidewalk be constructed to established grade.

12.36.120 Same—Notice. Such notices, as required in Section 12.36.110, shall particularly specify what work is required to be done, how the same is to be accomplished, and what materials shall be used. The notice shall be given personally by service upon the owner or person in possession of

the property facing such driveway, or by placing such notice in the United States mail in a sealed envelope addressed to the person in possession of such property, or to the owner thereof, addressed to his last known address as the same appears on the last equalized assessment rolls of the city of Richmond, and when no address so appears, to general delivery, city of Richmond, with postage prepaid.

12.36.130 Same - Proceedings to assess costs. If such work is not commenced within two weeks after such notice is given as aforesaid and diligently without interruption prosecuted to completion, the director of public works shall proceed to cause such work to be done in the manner and pursuant to the provisions of this chapter.

12.36.140 Temporary obstructions. The permit granted pursuant to this chapter shall carry with it the right to place, or cause to be placed, upon the street adjacent to the place where the construction, alteration or repair work is to be performed, such materials or equipment as may be necessary for use in performing such work, provided, however, that such materials and equipment shall not occupy more than one-third of the roadway in front of the construction work, and shall be placed thereon subject to the direction and approval of the director of public works. In no event shall the equipment or materials be placed within five feet of any railroad track. All materials, debris, and equipment shall be so placed as not to obstruct any gutterway, and shall be so cared for as to prevent material from being blown or otherwise carried into any gutterway, or any catch basin, or any portion of the street other than that lawfully occupied by such obstruction. No material or other obstruction shall be placed within fifteen feet of fire hydrants, which must remain at all times readily accessible to the fire department.

The permit shall prescribe the date when work shall begin, and the time of occupancy of the street, provided, however, that the director of public works may order the materials, equipment and debris, or any portion thereof, to be removed within three days after written notice, and in the event the same is not removed within the time prescribed by the director of public works, or in the permit, as the case may be, the director of public works may cause the same to be removed and charge the costs thereof against the guarantee deposit. The placing of materials and equipment upon the street for the purpose of such construction work and the removal thereof shall be held to be part of such construction work. In the construction and/or repair of sidewalks, driveways, curbs and/or gutters, all rejected and refuse materials shall be removed immediately and all surplus materials shall be removed from the site within two days after completion of the work.

12.36.150 Same - Public safety. Whenever the construction or repair of sidewalks, driveways, curbs and/or gutters, or other improvement contracts or undertakings require the temporary occupancy of any portion of a public

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street or a public sidewalk and a permit has been granted for such occupancy pursuant to the provisions of this chapter, such permit and such occupancy shall be subject to the provision that permittee furnish and maintain such facilities as fences, barriers, "street closed" signs, lights and watchmen as may be necessary to provide adequate protection and prevention of avoidable accidents to the public.

Where such facilities or any of them are not provided or are out of service and an emergency exists that necessitates protective measures, the director of public works, or his representative, may provide such facilities during the emergency and the cost thereof shall be paid by the permittee or deducted from any deposit made with the city of Richmond as a condition to the granting of such permit.

The director of public works, or his representative, before taking the above-mentioned emergency action, shall take all steps reasonable under the circumstances to notify the permittee, or his known representative, of the existing conditions and allow such permittee to care for the same, provided he acts promptly and expeditiously.

12.36.160 Removal of obstructions. Every owner of real property in the city of Richmond shall keep the entire width of the sidewalks in front of such property from curb to lot line, free and clear of all weeds, rubbish, debris, or other obstructions, excepting obstructions permitted by law, which from any cause whatever shall have accumulated or may accumulate upon the sidewalk above the established grade of the same.

The director of public works may order the weeds, rubbish, debris, obstructions or materials to be removed within two weeks after written notice is given, and in the event same is not removed within the time prescribed by the director of public works, the director of public works may cause the same to be removed and the cost of the same shall be a lien on the property.

12.36.161 Parking strip. It is unlawful to place loose rock, decorative stones or pebbles, bark, asphalt or any other surfacing not specified hereafter in any strip of land used and maintained for parking between any property line and street. It is lawful to pave with concrete, brick, or exposed aggregate concrete in such a parking strip by first obtaining a permit from the director of public works.

In any of the above-mentioned situations, the director of public works may require that planting areas be left in the parking strip for the planting of street trees and may require the planting of such trees as a condition of such permit.

(Added by Ordinance No. 470 N.S.)

12.36.170 Schedule of fees. The applicant shall pay to the city of Richmond in the office of the director of public works such fees as may be established from time to time by resolution of the council of the city of

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Richmond in the following categories:

(a) Permit Fee. A separate application and permit fee is required for each and every site.

(b) Inspection Fee. Based on the total area of sidewalk, driveway and gutter and the linear feet of curb, as herein provided.

(c) Engineering Services. When engineering services are necessary for the proper construction of improvements, such services shall be furnished by the director of public works and fees shall be charged therefor.

(d) Guarantee Deposit Fee. A deposit fee to guarantee contractor's work from any failure or breakage for a twelve-month period.
(Amended by Ordinance No. 58-79 N.S.)

12.36.180 Incorporation of Chapter 22, Improvement Act of 1911. The provisions of Chapter 22 of Part 3, Division 7, Streets and Highways Code of the state of California (cited as the "Improvement Act of 1911") are hereby expressly referred to and by such reference are made a part of this chapter.

12.36.190 Incorporation of Chapter 27, Improvement Act of 1911. The provisions of Chapter 27 of Part 3, Division 7, Streets and Highways Code of the state of California (cited as the "Improvement Act of 1911") are hereby expressly referred to and by such reference are made a part of this chapter.
(Source: Ordinance No. 1804)

Chapter 12.40

GUARDING EXCAVATIONS

Sections:

- 12.40.010 Guard rails required where surface of lot or excavation on lot below sidewalk level.
- 12.40.020 Filling of excavations.
- 12.40.030 Same—Exceptions.
- 12.40.040 Guard rails required around excavation.

12.40.010 Guard rails required where surface of lot or excavation on lot below sidewalk level. Any person owning or in charge of any lot or parcel of land in the city of Richmond, the grade or surface of which lot or parcel of land is two feet or more lower in elevation than the sidewalk or sidewalks immediately adjoining such lot or parcel of land, shall provide, erect and maintain guard rails on such sidewalk or sidewalks, which guard rails shall be constructed in such manner and of such materials as the superintendent of streets of the city may direct; provided, that such guard rails shall not be required where the slope from the inner sidewalk line to the grade or surface of such lot or parcel of land is less than forty-five degrees; nor shall any person owning or in charge of any lot or parcel of land maintain thereon any excavation two feet or more in depth below the sidewalk level, within two