



# CITY OF DEL REY OAKS

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**DATE:** November 18, 2025

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Adoption of an Ordinance Amending Chapter 12.04 of the Del Rey Oaks Municipal Code

**CEQA:** Not applicable.

## Recommendation

That the City Council adopt an Ordinance amending Chapter 12.04 of the Del Rey Oaks Municipal Code relating to the definition of “Superintendent of Streets,” sidewalk maintenance and repair,

## Background

At its meeting of October 28, 2025, the City Council introduced and approved the first reading of an ordinance amending Chapter 12.04 (Streets, Sidewalks, and Public Places) of the Del Rey Oaks Municipal Code (DROMC).

The amendments clarify the responsibility of property owners for the maintenance and repair of sidewalks and adjacent public rights-of-way, establish concurrent liability for sidewalk-related injuries, and codify the City Manager as the “Superintendent of Streets.”

The ordinance also adds new sections addressing liability for injuries to the public and property owner responsibility for right-of-way maintenance. These provisions are consistent with state law, including the California Streets and Highways Code, Chapter 22 (Sections 5600–5629), and mirror approaches adopted in other California cities such as San Jose and Sacramento.

## Discussion

The ordinance:

- Defines the City Manager as the Superintendent of Streets;
- Replaces existing Section 12.04.090 to clearly assign responsibility for sidewalk repair and maintenance to adjacent property owners;
- Adds Section 12.04.100, clarifying that property owners may be liable for injuries resulting from failure to maintain sidewalks in a safe condition; and

- Adds Section 12.04.110, establishing owner responsibility for right-of-way maintenance, including parkways, curbs, gutters, and landscaping.

The revised language strengthens clarity, consistency, and legal enforceability of the City's existing practices, ensuring compliance with state law and improving public safety.

No changes have been made to the ordinance since the first reading.

### **Fiscal Impacts**

The proposed ordinance clarifies that adjacent property owners are financially responsible for sidewalk repair and maintenance. City costs may include administrative and inspection expenses, which may be recoverable through assessments.

### **Attachments**

- Ordinance Amending Chapter 12.04

Respectfully submitted,

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John Guertin  
City Manager

**ORDINANCE No. 322**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS AMENDING CHAPTER 12.04 OF THE MUNICIPAL CODE RELATING TO STREETS, SIDEWALKS AND PUBLIC PLACES**

**WHEREAS**, the City of Del Rey Oaks Municipal Code Chapter 12.04 regulates streets, sidewalks, and public places; and

**WHEREAS**, Chapter 12.04 currently requires the owners of property adjoining sidewalks and rights-of-way to maintain and repair them; and

**WHEREAS**, the City wishes to make clearer the responsibilities of such owners.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Del Rey Oaks, California as follows:

**SECTION 1.** A new Section 12.04.005 is added to Chapter 12.04 to read as follows:

**12.04.005 – Superintendent of Streets Defined.**

As used in this chapter, the term “superintendent of streets” means the City Manager, or their designee.

**SECTION 2.** Section 12.04.090 of the Del Rey Oaks Municipal Code is amended in its entirety to read as follows:

**12.04.090 – Maintenance and Repair of Sidewalks.**

A. Anything in this chapter to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair may be done and the proceedings therefor may be had and taken in accordance with this part and the procedure therefor provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the state as the same is now in effect or may hereafter be amended.

B. The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City of Del Rey Oaks' costs of inspection and administration whenever the city awards a contract for such maintenance and repair and including the costs of collection of assessments for the costs of maintenance and repair under subsection A. of this section or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

C. For the purposes of this Chapter, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding,

removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area.

D. Notwithstanding the provisions of Section 5614 of the state Streets and Highways Code, the superintendent of streets may in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed ninety (90) days from the time the notice referred to in said Section 5614 is given.

**SECTION 3.** A new Section 12.04.100 is added to Chapter 12.04 to read as follows:

**12.04.100 – Liability for Injuries to Public.**

The property owner required by Section 12.04.090 to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by Section 12.04.090, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury.

**SECTION 4.** A new Section 12.04.110 is added to Chapter 12.04 to read as follows:

**12.04.110 – Owner responsibility for right-of-way maintenance.**

A. The owner of any premises within the city has the primary responsibility for keeping said premises free of public nuisances. Tenants and occupants of the premises, for the purposes of this chapter, shall be deemed to be the agents of the owner for purposes of this chapter.

B. The owner of any lot fronting any portion of a parkway or sidewalk, or other public right-of-way, shall maintain such parkway, sidewalk, curb, gutter and right-of-way, including any and all trees, shrubs, hedges, or landscaping in the abutting parkway, sidewalk, or public right-of way, in a condition that will not interfere with the public safety and convenience and the use of the parkway, sidewalk, curb, gutter and right-of-way.

C. The owners of lots fronting any portion of any parkway, sidewalk, curb, gutter or other public right-of-way shall keep those areas free of debris at all times.

D. The failure to comply with the requirements of this section shall be deemed a public nuisance. The city may exercise any remedy permitted by law for violations of this section, including those contained in Chapters 1.16 and 1.19.

E. Notwithstanding the owner's primary responsibility for the maintenance of parkways, sidewalks, curbs, gutters and public rights-of-way, the city shall retain discretion for ensuring the general maintenance level of public rights-of-way for the purpose of ensuring the safety of the public, including, but not limited to, maintaining street trees and other landscaping improvements, including irrigation systems, roadways systems and shoulders, utility services, parkways, and pedestrian sidewalks. This includes privately owned improvements within the public right-of-way.

**SECTION 5.** Environmental Determination. The City Council finds the enactment of this ordinance is not subject to the California Environmental Quality Act (CEQA) as it is not a project pursuant to Guidelines Section 15378 (b)(5) because it is an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment. Also, it can be seen with certainty that there is no possibility the enactment of this ordinance may have a significant effect on the environment pursuant to Guidelines section 15061(b)(3).

**SECTION 6.** This ordinance shall take effect thirty (30) days following its final adoption.

**SECTION 7.** The City Manager and City Clerk are directed to perform all tasks necessary to implement this ordinance.

**SECTION 8.** Severability. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**SECTION 9.** Publication. The City Clerk is hereby directed to publish in a newspaper of general circulation.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Del Rey Oaks, California, at its regular meeting held on the 18<sup>th</sup> day of November, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Scott Donaldson, Mayor

ATTEST:

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Karen Minami, City Clerk