

ORDINANCE No. 724 N.S.

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PASO ROBLES
AMENDING TITLE 11 OF THE
EL PASO DE ROBLES MUNICIPAL CODE**

The CITY COUNCIL of the City of El Paso de Robles, California, does ordain as follows:

Section 1.

Sections 11.12.011, 11.12.020, 11.12.031, 11.12.160, 11.12.170, 11.12.180, 11.12.190, 11.12.210, 11.12.230 of Title 11 are hereby amended; and

Sections 11.12.030, 11.12.040, 11.12.050, 11.12.060, 11.12.070, 11.12.080, 11.12.090, 11.12.100, 11.12.110, 11.12.120, 11.12.130, 11.12.140, 11.12.150, 11.12.200 are hereby deleted from Title 11.

Section 2.

**Chapter 11.12
CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS**

Sections:

- 11.12.010 Generally.**
- 11.12.011 Permits.**
- 11.12.020 Sidewalk, curb and gutter - Specifications.**
- 11.12.030 Required - Curb, gutter, sidewalk, driveway aprons.**
- 11.12.040 Repairs and replacements.**
- 11.12.050 Driveway approaches - Approval.**
- 11.12.060 Notice to Public Works Department.**
- 11.12.070 Public safety.**
- 11.12.090 Noncompliance - consent of City Council.**
- 11.12.100 Bonds.**
- 11.12.110 Penalty for violations.**
- 11.12.120 Severability.**

11.12.010 Generally.

The following sections are adopted as the general specifications and rules regulating the construction of concrete sidewalks, curbs and gutters in the city. (Ord. 94 N.S. 1, 1942)

11.12.011 Permits.

An application for a permit to install curb, gutter, sidewalks and driveway aprons, shall be filed with the Public Works Department. Such application shall be accompanied by fees as established from time to time by resolution. (Ord. 439 N.S. 1, 1979; Ord. 268 N.S. 1, 1963)

11.12.020 Sidewalk, curb and gutter - Specifications.

Sidewalks, curbs, and gutters shall be constructed per the specifications as detailed in the adopted City of Paso Robles Public Works Engineering Specifications as may be modified from time to time by the City Council.

11.12.031 Required - Curb, gutter, sidewalk, driveway aprons.

As a prerequisite to the issuance of a building permit for the construction repair, addition or alteration of any construction repair, addition or alteration of any structure within the city of Paso Robles, installation of sidewalk, curb, gutter and driveway apron improvements shall be provided for as follows:

(A) **AMOUNT OF IMPROVEMENT.** Concrete sidewalk, curb, gutter, and driveway aprons shall be constructed prior to issuance of a Certificate of Occupancy for the structure. The cost of the amount of required improvements thereof shall not exceed twenty-five percent of the construction cost of the structure improvements being made, the main street frontage shall take precedent over the side street frontage, and curb and gutter shall take precedent over sidewalks, and also that driveway aprons shall be constructed at every driveway;

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(B) **MINIMUM AMOUNT.** When the value of the improvements to be made on the property is under ten thousand dollars as defined by ICBO Uniform Building Standards, then the curb, gutter, sidewalks and driveway aprons are not required;

(C) **POSTPONEMENT OF IMPROVEMENTS: BONDS REQUIRED.** Whenever it is deemed necessary by the city that it is in the best interest of the city and its inhabitants to defer the construction of the required curbs, gutters, sidewalks and driveway approaches to a later date because of the unavailability of grades from the office of the city engineer, incorporation of the area within an improvement district for the improvements, future planning, or for any other reasons approved by the planing commission, the owners of the property developed shall deposit with the city, cash or bond to be written by a corporate surety company in the sum equal to the city engineer's estimated cost of the improvement required by the provisions of this chapter. In the event construction of the curb, gutter, sidewalk and driveway approaches is not commenced within four years from the date of the deposit of the cash or the execution of the bond, the city may, upon application by the property owner return the cash or surety bond to the depositor or the city, at its option, may extend the period of the deposit for up to eight years;

(D) **WAIVER OF REQUIREMENTS.** In the event the construction of the sidewalk is not feasible due to street locations, hardship due to fire or acts of God, topography or other physical factors, the planning commission, after hearing the recommendation of the city engineer, may waive, or modify the provisions of the chapters that apply to sidewalks, curbs, gutters and driveway aprons, upon application of the owner of the property or other persons to whom this chapter may apply;

(E) **TIME IMPROVEMENT ARRANGEMENTS ARE REQUIRED.** The building official of the city of El Paso de Robles shall deny the issuance of a building permit unless the building plans and specifications therefore provide for the curbs, gutters, sidewalks and driveway aprons in compliance with the requirements of the chapter and shall deny final Certificate of Occupancy and acceptance of any building, dwelling or to other improvements unless and until the curb, gutter, sidewalk, and driveway aprons exist or are constructed in accordance with the provisions of this chapter or unless and until the cash deposit or surety bond provisions of this chapter have been complied with;

(F) **APEAL TO PLANNING COMMISSION.** An appeal from any decision or ruling by any city employee charged with the enforcement of this chapter, may be made in writing to the planning commission within fifteen (15) calendar days of the date of the written decision of said employee. The planning commission shall notify the applicant of the time and place for the hearing of his appeal.

(G) **APEAL TO COUNCIL.** The decision of the planning commission shall be final unless appeal is made to the City Council within fifteen (15) calendar days.

(H) **EXCEPTIONS FOR EXISTING LARGE RESIDENTIAL LOTS.** The above requirements to provide curbs, gutters, sidewalks and driveway apron improvements as prerequisite to the issuance of building permits shall not apply to the construction, repair, addition or alteration of a single-family dwelling on an existing lot that is designated by the general plan for residential land use and that is 2.5 acres or larger in area, provided that the following conditions are met:

1. Fire apparatus access roads shall be provided in conformance with the Uniform Fire Code, as adopted by the city in Title 17 of this code and provided that, prior to occupancy of said dwelling, the full twenty-four-foot width of said fire apparatus access roads shall be paved to the nearest road capable of supporting a fire apparatus vehicle, as determined by the fire chief and city engineer;

2. Prior to occupancy of said dwelling, driveways shall be provided in a manner consistent with the requirements set forth in the zoning code (Title 21);

(I) Prior to occupancy of said dwelling, the owner of the subject property shall make a continuing offer to dedicate one-half of the planned width of any existing or planned public streets on which the property will have frontage; if a public street is planned to pass through a property, the owner may be required to make a continuing offer to dedicate the full planned width of said street.

11.12.160 Repairs and replacements.

Any new work not constructed per the specifications as mentioned in section 11.12.020, or any old work damaged during the course of any construction, shall be replaced by removing same for the full distance between joints. No plastering or patching will be allowed. (Ord. 94 N.S. 2(o), 1942)

11.12.170 Driveway approaches - Approval.

All driveway approaches from the street across the sidewalk to abutting property shall be constructed only upon written application to the Public Works Department, setting forth the proposed width of said driveway, and all driveway approaches constructed hereunder must meet the approval of the Public Works Director. (Ord. 94 N.S. 3, 1942)

11.12.180 Notice to Public Works Department.

Persons wishing to construct sidewalks, driveway approaches, curbs, or gutters, shall make application with Public Works Department for an encroachment permit authorization. No work shall be undertaken in city right of way unless an encroachment permit is issued for said work by the Public Works Department. A fee for said permit may be adopted by the City Council by resolution. At least two (2) working days written notice shall be given to the Public Works Department prior to start of any construction. After the forms are placed for sidewalk work, the attention of the Director of Public Works or his designee shall be called thereto by the contractor or person laying such sidewalk, and no concrete shall be laid until approved by the Public Works Department. (Ord. 94 N.S. 4, 1942)

11.12.190 Public safety.

Any piles of sand, gravel, cement and other materials and all machinery left on the street or sidewalk at night, shall be protected by appropriate safety devices and shall not be left thereon longer than is necessary, and after the completion of a job where used, shall be removed within three days' time and within said time all waste produced by the contractor shall be cleaned up and hauled away by him and the approaches onto the finished sidewalk from the natural sidewalk or street shall be made easy of access by filling in or otherwise by such contractor. The Public Works Director or his designee will have the final authority for requiring the removal of materials and equipment from city streets, sidewalks or right-of-way. (Ord. 94 N.S. 5, 1942)

11.12.210 Noncompliance - consent of City Council.

No person shall construct curbs, gutters or sidewalks within the city except in accordance with the provisions of this chapter unless by resolution of the City Council, permission is given to construct curbs, sidewalks or gutters of a material other than concrete or brick pavers in the downtown area, or to alter their dimensions to meet special conditions. (Ord. 94 N.S. 7, 1942)

11.12.220 Bonds.

No person, firm or corporation shall lay or construct any cement or concrete sidewalk, curb or gutter in the city, without first filing with the city clerk a corporate surety bond to the city in the penal sum of five hundred dollars signed by the principal, and a corporate surety authorized to do business in the State of California and conditioned that if the principal, or any person in his employ, shall lay or construct any cement or concrete sidewalk, curb, gutter or driveway approach within the city which does not fully comply with all ordinances and resolutions of this city as to grades and the construction of sidewalks, curbs and gutters, and the materials to be used therein, the city may remove the same and again lay or construct the same, and recover the cost thereof from said principal and his surety. (Ord. 94 N.S. 8, 1942)

11.12.230 Penalty for violations.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail of San Luis Obispo County, or the city jail of the City of El Paso de Robles, for a period of not more than ten days, or by both such fine and imprisonment and where a fine is imposed the judgment may direct that the defendant be imprisoned in said county jail or in said city jail until such fine is satisfied at the rate of two dollars per day. (Ord. 94 N.S. 10, 1942)

11.12.240 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed this chapter and each section, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 94 N.S. 11, 1942).

Section 3.

Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the city in accordance with Section 36933 of the Government Code.

Section 4.

Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Section 5.

Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City Ordinance(s), motion, resolution, rule, or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

Section 6.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid.

Introduced as a regular meeting of the City Council held on **April 15, 1997**, and passed and adopted by the City Council of the City of El Paso de Robles on the **6th** day of **May, 1997**, by the following roll call vote:

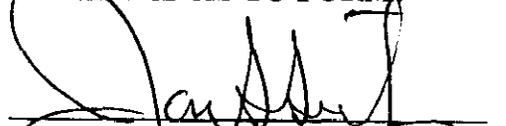
- AYES:** Baron, Iversen, Macklin, Swanson, and Picanco
- NOES:** None
- ABSENT:** None
- ABSTAIN:** None


 Duane Picanco, Mayor

ATTEST:


 Madelyn Paasch, City Clerk

APPROVED AS TO FORM:


 Jon S. Seitz, Deputy City Attorney

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