

**CHAPTER 13.10**  
**DUTY OF PROPERTY OWNER TO MAINTAIN SIDEWALKS AND PUBLIC**  
**STREET LANDSCAPE PLANTERS<sup>1</sup>**

**13.10.010 Trees — Property owner maintenance responsibility and duty to public.**

- A. The owner of a lot fronting on or adjacent to any portion of a street shall maintain any trees, shrubs, hedges or other landscaping along said street or within the street right-of-way adjacent to his or her property in such nondangerous condition that the trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of the streets and sidewalks. Said owners shall maintain such street trees so that there is a minimum eight-foot vertical pedestrian clearance from the top of the sidewalk and a minimum thirteen-foot vertical vehicular clearance from the top of the curb, to any part of a street tree.
- B. For purposes of this part, maintenance of trees, shrubs, hedges and other landscaping includes but is not limited to: deep root watering, root pruning, installing root barriers, clearance and structural trimming, fertilizing, pest control, and removal of branches, leaves and other debris.
- C. Property owners required by this section to maintain trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using public streets and sidewalks to maintain such trees, shrubs, hedges or other landscaping in compliance with provisions under this title and city-adopted pruning guidelines, in a safe and nondangerous condition for users of the public streets and sidewalks.
- D. If any fronting or adjacent property owner fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a nondangerous condition as required by this section, and any person suffers damage or injury to person or property, the fronting or adjacent property owner shall be liable for all damages or injuries caused by the failure of the owner to maintain these areas.

(Ord. 1970 NCS § 3 (part), 1994.)

**13.10.020 Maintenance and repair of sidewalks and street landscape planters.**

- A. 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 landscape planting 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.
- B. For the purpose 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 of impervious paving materials from street tree planting strips, or other right-of-way landscape planters, 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 planting 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.

C. Anything in this chapter to the contrary notwithstanding, with respect to maintenance and repair of sidewalk areas and the making, confirming and collecting of assessment for the costs and expenses of said maintenance and repair, the city may proceed under the provisions of 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 hereinafter be amended. Should the city choose to proceed under Chapter 22 of Division 7, Part 3 of the Streets and Highways Code, notwithstanding the provisions of Section 5614, of the State Streets and Highways Code, the director of public works may, in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repairs of sidewalk area must commence by a period not to exceed seventy-four days from the time the notice referred to in Section 5614 is given. Costs recoverable by the city may include a charge for the city of Petaluma's costs of inspection and administration whenever the city awards a contract for such maintenance and repair and including the costs of collection of assessment for the costs of maintenance and repair or the handling of any lien placed on the property due to the failure of the property owner to promptly pay such assessments.

D. All existing public street landscape planters shall be retained and preserved for the purpose of providing live landscaping along the frontages of city streets. To this end, covering, paving, sealing, or filling of public landscape planter areas with impervious materials shall be prohibited. Failure to comply with this section shall be deemed a violation of this chapter.

When, during the course of a development project, it is necessary to remove or reconstruct public street improvements (i.e., curb, gutter, sidewalk), such improvements shall be reconstructed to preserve or reestablish any previously existing landscape planter. Existing street trees and other landscaping shall be preserved to the extent possible, or new landscaping installed to the satisfaction of the director of public works.

Subsequent to adoption of this chapter, any unauthorized work conducted within public right-of-way landscape areas shall be brought into conformance with the intent and provisions of this chapter, and other applicable provisions of the Petaluma Municipal Code pertaining to encroachments on city property and destruction of public landscaping. Such unauthorized work shall constitute a violation of this chapter and is punishable as an infraction, subject to provisions set forth under Chapter 13.08 of this title. The city shall further require removal of any impervious material installed, and restitution of any previously existing landscaping. (Ord. 1970 NCS § 3 (part), 1994.)

**13.10.030 Liability for injuries to public.**

The property owners of lots or portions of lots fronting on or adjacent to any portion of a street or any portion of a sidewalk area between the property line of the lots and the street line and any persons in possession of such lots by virtue of any permit or right, 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, 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. (Ord. 1970 NCS § 3 (part), 1994.)

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**Footnotes**

**Editor's Note:** Prior ordinance history Ord. 1879 NCS.

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