



## COMMUNITY DEVELOPMENT DEPARTMENT

**Subject:** Public Street, Sidewalk, and Trail Maintenance Responsibilities

**Issue:** The Town has required private development projects to maintain (including snow removal) public improvements within the road right-of-way as a condition of project approval. This has been done on a project-by-project basis, and written uniform policies and procedures are necessary to identify those situations where private property owners will be responsible for maintenance of public improvements and under what conditions.

**Reference:** Street and Highways Code, Sections 5610 to 5618

**Policy/Procedure:** The attached table identifies when private property owners will be responsible for maintenance and snow removal of public improvements within road rights-of-way. The Town project engineer and Town project planner shall incorporate the following standard condition into the staff report or zoning clearance approval (excepting single family residences and secondary units on existing lots) when the property owner is required to maintain public right-of-way improvements.

“Prior to issuance of a temporary or final certificate of occupancy (or prior to recordation of the final map), the applicant shall sign and execute a street (trail) improvement maintenance and liability agreement prepared and executed in accordance with the requirements of the Town Engineer. The agreement shall include all requirements of the Town Engineer including, but not be limited to, the following:

- The property owner shall be required to operate, repair, maintain, and replace when necessary all existing and future street improvements located between the curb/gutter and the property line and in public easements within the property, including sidewalk, landscaping, and street light fixtures.
- The property owner shall be required to remove snow from all parking lanes / spaces, sidewalk, and trails located between the street travel lane and the property line and in public easements within the property.
- The agreement shall include a level or standard of repair / maintenance that the property owner will be required to perform including inspection, repair, maintenance, snow removal, and replacement responsibilities.

- The agreement shall include a minimum schedule of maintenance that the property owner will be required to inspect, repair, and maintain the improvements.
- The agreement shall include a minimum schedule of snow removal that the property owner will be required to remove snow from the parking lane / spaces, sidewalks, and trails. The agreement shall include provisions for the storage of snow including locations for snow storage and legal rights to store snow in those locations.
- The agreement shall indemnify and hold the Town harmless in regards to the requirements of this agreement and address other liability issues identified by the Town Attorney.
- The agreement shall be prepared and executed in a manner acceptable for recordation in the Nevada County Records Office.

Upon the draft agreement being approved by the Town Engineer and prior to issuance of a temporary or final certificate of occupancy (or recordation of the final map), the property owner shall sign and execute the agreement (notarized signature required) and submit the agreement to the Town Clerk for recordation in the Nevada County Records Office.”

**Effective Date:** October 26, 2007

Approved by: \_\_\_\_\_  
John McLaughlin, Director

Approved by: \_\_\_\_\_  
Dan Wilkins, Town Engineer

Date: \_\_\_\_\_

**Attachments:**

1. Public Street, Sidewalk, and Trails Maintenance Responsibilities Table

## Attachment 1

### Public Street, Sidewalk, and Trail Maintenance Responsibilities

	<u>Maintenance</u>	<u>Snow Removal</u>
Travel Lane	Town	Town
Bicycle Lane	Town	Property Owner (See Note #1)
Parking Lane / On-Street Parking	Town	Property Owner (See Note #1)
Drainage (no curb/gutter)	Town	Town
Curb / Gutter	Town	Town
Landscaping and other improvements between curb / gutter and sidewalk	Property Owner (See Note #2)	Property Owner (See Note #2)
Sidewalk and all other improvements between the sidewalk and property line	Property Owner (See Note #3)	Property Owner (See Note #3)
Trails	Property Owner (See Note #4)	Property Owner (See Note #4)
Street Lights	Property Owner (See Note #5)	Property Owner (See Note #5)

Note #1      The property owner or homeowner's association will be responsible for removing and storing snow from any adjacent bicycle lane, parking lane, and on-street parking EXCEPT for designated paid parking spaces in the Downtown parking district. The Town project engineer and Town project planner will incorporate the standard condition into the staff report or zoning clearance approval with any modifications or additions recommended by the Town Engineer.

Note #2      The property owner or homeowner's association will be responsible for the improvements including maintenance and replacement of landscaping. The Town project engineer and Town project planner will incorporate the standard condition into the staff report or zoning clearance approval with any modifications or additions recommended by the Town Engineer.

Note #3      The property owner or homeowner's association is required to maintain the sidewalk, including the removal and storage of snow, per Sections 5610-5618 of the Streets and Highways Code. The Town does not need to take further action to implement these requirements. However, the Town project engineer and Town project planner will incorporate the standard condition into the staff report or zoning clearance approval with any modifications or additions recommended by the Town Engineer.

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Note #4           The property owner or homeowner's association will be responsible for maintenance of trails, and removal and storage of snow if required by the Town Engineer, unless and until trail maintenance is accepted by a public agency. The Town project engineer and Town project planner will incorporate the standard condition into the staff report or zoning clearance approval with any modifications or additions recommended by the Town Engineer.

Note #5           The property owner or homeowner's association will be responsible for maintenance of street lights including paying the monthly electrical costs for the street light, even if the road is accepted into the Town-maintained road system. The Town project engineer and Town project planner will incorporate the standard condition into the staff report or zoning clearance approval with any modifications or additions recommended by the Town Engineer.