

ORDINANCE NO. 1801

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, REGARDING PROPERTY OWNER RESPONSIBILITY TO MAINTAIN TREES, SHRUBS, AND SIDEWALKS IN A NON-HAZARDOUS CONDITION

WHEREAS, the City Council wishes to incorporate in the Gardena Municipal Code the provisions of California State law placing responsibility on property owners to maintain adjacent sidewalks and parkways in a safe condition, and to bear legal responsibility for injuries to persons or property caused by a failure to do so.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY ORDAIN, AS FOLLOWS:

Section 1. Section 13.60.125 is added to the Gardena Municipal Code to read, as follows:

13.60.125 Nuisance Trees; Property owner's duty to public.

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 condition that the sidewalk and parkway will not endanger persons or property. Any fronting or adjacent property owner who fails to abate dangerous vegetation or a nuisance tree shall be liable for all damages or injuries caused by the tree or other vegetation to any person who suffers damage or injury to person or property. However, such liability will not attach if the dangerous condition is caused by a Street Tree as defined in Section 13.60.020 of the Municipal Code.

Section 2. Sections 8.64.035 and 8.64.036 are added to the Gardena Municipal Code to read, as follows:

8.64.035 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.

8.64.036 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 such condition that the sidewalk will not endanger persons or property. If, as a result of the failure of any property owner to maintain the sidewalk area in a non-dangerous 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. However, such liability shall not attach if the dangerous condition is caused by a Street Tree as defined in Section 13.60.020 of the Municipal Code

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

Section 4. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days following its passage.

Passed, approved, and adopted this 12th day of February, 2019.



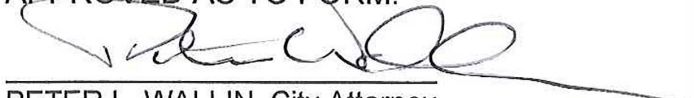
TASHA CERDA, Mayor

ATTEST:



MINA SEMENZA, City Clerk

APPROVED AS TO FORM:



PETER L. WALLIN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1801** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a meeting of said City Council held on the **12th** day of **February, 2019**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBER MEDINA, MAYOR CERDA, MAYOR PRO TEM TANAKA,
 AND COUNCIL MEMBERS HENDERSON AND KASKANIAN

NOES: NONE

ABSENT: NONE

for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)