




August 5, 2025

PROCEDURAL MEMORANDUM M-36

TO: Public Works staff involved in property owner noticing for sidewalk maintenance or repair

FROM: John Waddell, Deputy Director of Public Works 

SUBJECT: **Property Owner Sidewalk Maintenance or Repair Noticing**

1. OBJECTIVE

To establish Public Works' procedure for noticing property owners of required sidewalk maintenance or repair under California Streets and Highways Code Sections (SHC) 5600-5602, 5610-5618 and 5625-5630.

2. AUTHORITY

Per SHC 5610, the owners of lots "shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience." Per SHC 5600, a sidewalk "includes a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip."

Per SHC 5625, "the cost of the repair may be assessed by the legislative body against the parcel of property fronting upon the sidewalk upon which such repair was made, and such cost so assessed, if not paid within five days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record."

3. PROCEDURES

The following establishes procedures for staff to follow in addressing sidewalk maintenance or repair by property owners:

A. Property Owner Notice to Maintain and/or Repair Sidewalk

If maintenance or permanent repair by the property owner is determined to be necessary (after Public Works Transportation Division engineering evaluation per M-31), a request from Transportation Division staff shall be sent to Development Services staff (specifically, PW.Permits@co.slo.ca.us), who shall create an Illegal Encroachment in PermitTrax requiring

repair by the property owner. Development Services staff shall send a First Notice to Repair Sidewalk to the owner or person in possession of the property, Homeowner Associations, or utility company via certified mail (see Attachment 2 - Sample Notice to Repair Sidewalk). Repairs needed due to utility vaults, covers or pedestals will be directed to the utility company.

i. First Notice (Mandatory)

The notice to repair sidewalk shall particularly specify the following (SHC 5614):

- a. What work is required to be done?
- b. How it is to be done?
- c. What materials shall be used in the repair?
- d. Specify that if the repair is not commenced within two (2) weeks after notice is given and diligently and without interruption prosecuted to completion, the costs of repairs may result in a lien on the property.
- e. A copy of the encroachment permit application and County Sidewalk Standard C-Drawings will be mailed with the notice.

ii. Second Notice (Mandatory)

Per SHC 5613, in lieu of posting notices at the site Development Services Encroachment Unit staff shall send a Second Notice via certified mail within seven (7) - ten (10) days of the First Notice. The Second Notice shall reference the First Notice, include the same information as the initial notice, and shall state that if the repair is not commenced within the time period set forth in the initial notice, County forces may make such repair, and the cost of the same shall be a lien on the property.

B. Construction

i. Repair by Owner

The owner must obtain an encroachment permit prior to performing any work within the County right of way. Provisions for design review, inspection, and payment are covered under the encroachment permit process.

ii. Repair by County

If the sidewalk repair is not diligently commenced within two (2) weeks after the initial notice (i.e. applied for encroachment permit) or the repairs are not completed within the timeframe stated in the encroachment permit and there has been no time extension granted, then the Transportation Division staff may create an SAP notification for the Transportation Engineer to plan and perform the repair. The functional location "RD-WALK" shall be used to track and document the sidewalk condition notification in SAP.

Each fiscal year, the Transportation Engineer shall recommend budgeting adequate funds for the repair program out of the Road Fund. Funds should be carried over from

year to year. Recovered costs shall be added back into the Road Fund into the project/program where the budget for these repairs is allocated.

C. Board of Supervisors Assessment Hearing

The Transportation Engineer shall make a recommendation to the Board of Supervisors to place liens on parcels where the County has completed sidewalk repairs. Per SHC 5616, "Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons."

The Board Letter shall include the following per SHC 5617, "the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof."

D. Lien Process

If the cost of the repairs is not paid within (5) five days of the hearing, the amount will be assessed against the property as a lien (SHC 5625).

The Transportation Engineer will seek approval from the Board to issue the NOTICE OF LIEN. The NOTICE OF LIEN may be recorded with the Office of the County Clerk-Recorder or turned over to the Office of the Assessor and Tax Collector. The lien can be resolved upon any of the following conditions:

- i. Direct payment by owner;
- ii. Installation payments by owner (up to five (5) per SHC 5628.1); or
- iii. At time of sale of property (payment via real estate transaction).

The Road Fund will be used to finance the program prior to collection of liens.

4. CHECKLIST/HANDOUTS

- N/A

5. STAFF RESPONSIBILITIES

A. Implementation

In accordance with standard Department practices, the Transportation Division will manage the engineering evaluation prior to sending a request to Development Services to initiate Procedure 3.A. per this procedural memorandum.

Development Services will manage (page 1) 3. Procedures A through B(i).
The Transportation Division will manage (page 2) B(ii). Repair by County.

B. Training

Both Divisions are responsible for training staff for their respective tasks.

C. Tracking

Development Services staff shall track all active and closed sidewalk permanent repair projects.

The Transportation Engineer shall coordinate with the Finance Division to ensure the repayment of expended Road Funds used for construction, including assessments.

6. REFERENCES/RESOURCES

- ◆ San Luis Obispo County Department of Public Works Public Improvement Standards (<https://www.slocounty.ca.gov/departments/public-works/forms-documents/development-services/public-improvements/public-improvement-standards/county-public-improvement-standards-2022>)
- ◆ California Streets and Highways Code (http://www.leginfo.ca.gov/html/shc_table_of_contents.html)

Attachments:

1. Sample Notice to Repair Sidewalk
2. Sample Second Notice to Repair Sidewalk
3. Notice of Assessment/Board of Supervisors Hearing
4. Relevant Sections of the California Streets and Highway Code

File: [https://o365gcoslo.sharepoint.com/sites/PW-Transportation/Files/Policies-Procedures-Templates-Standards/Procedural Memorandums/Word Files 2022/PM M-36 Property Owner Sidewalk Maintenance or Repair Noticing \(REVISED\).docx](https://o365gcoslo.sharepoint.com/sites/PW-Transportation/Files/Policies-Procedures-Templates-Standards/Procedural%20Memorandums/Word%20Files%202022/PM%20M-36%20Property%20Owner%20Sidewalk%20Maintenance%20or%20Repair%20Noticing%20(REVISED).docx)

Attachment 1 - Sample Notice to Repair Sidewalk

DATE, 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

OWNER
Address Avenue
CITY, ST ZIP

SUBJECT: NOTICE TO REPAIR SIDEWALK-APN XXXXX

Dear Property Owner:

You are hereby notified that the sidewalk located at XXXXX in XXXXX is in a state of disrepair, and in such a condition that it interferes with the public use of the sidewalk. This notice is given in accordance with the provisions of Sections 5611 to 5614, inclusive of the Streets and Highways Code of the State of California.

Section 5611 states: *"When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger person or property or in condition to interfere with the public convenience in the use of the sidewalk, the Superintendent of the Streets shall notify the owner or person in possession of the property fronting on that portions of such sidewalk so out of repair, to repair the sidewalk."*

Pursuant to Section 5614, you are further notified the sidewalk repairs to the above-described portion of the sidewalk are required to be made in the following manner:

1. The owner shall complete the attached permit application and submit it to the Department of Public Works prior to commencing work.
2. The work shall be done using the attached standard plan and details.
3. The material shall be concrete and in the thickness provided for on the standard plan.

If within two weeks after you have been given this NOTICE TO REPAIR SIDEWALK, you have not commenced and are not proceeding with diligence and without interruption to complete such repairs, the County may undertake such repair work. In the event the County makes the repairs, the cost thereof shall be placed as lien upon your property.

Please contact me at your earliest convenience to discuss this matter and to obtain information on construction, placement, or maintenance of sidewalks in the County right of way.

Sincerely,

STAFF NAME
TITLE

Enclosures: Encroachment Permit Application, County Sidewalk Standard, Site Photographs
cc: David Grim, Development Services Manager
Joshua Roberts, Transportation Division Manager
John Waddell, Deputy Director

Attachment 2 - Sample Second Notice to Repair Sidewalk

DATE, 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

OWNER
Address Avenue
CITY, ST ZIP

SUBJECT: 2nd AND FINAL NOTICE TO REPAIR SIDEWALK-APN XXXXX

Dear Property Owner:

You are hereby notified that the sidewalk located at XXXXX in XXXXX is in a state of disrepair, and in such a condition that it interferes with the public use of the sidewalk. This notice is given in accordance with the provisions of Sections 5611 to 5614, inclusive of the Streets and Highways Code of the State of California.

Section 5611 states: *"When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger person or property or in condition to interfere with the public convenience in the use of the sidewalk, the Superintendent of the Streets shall notify the owner or person in possession of the property fronting on that portions of such sidewalk so out of repair, to repair the sidewalk."*

Pursuant to Section 5614, you are further notified the sidewalk repairs to the above-described portion of the sidewalk are required to be made in the following manner:

1. The owner shall complete the attached permit application and submit it to the Department of Public Works prior to commencing work.
2. The work shall be done using the attached standard plan and details.
3. The material shall be concrete and in the thickness provided for on the standard plan.

If within one week after you have been given this 2nd AND FINAL NOTICE TO REPAIR SIDEWALK, you have not commenced and are not proceeding with diligence and without interruption to complete such repairs, the County may undertake such repair work. In the event the County makes the repairs, the cost thereof shall be placed as lien upon your property.

Please contact me at your earliest convenience to discuss this matter and to obtain information on construction, placement, or maintenance of sidewalks in the County right of way.

Sincerely,

STAFF NAME
TITLE

Enclosures: Encroachment Permit Application, County Sidewalk Standard, Site Photographs
cc: David Grim, Development Services Manager
Joshua Roberts, Transportation Division Manager
Dave Flynn, Deputy Director

Attachment 3 - Notice of Assessment/Board of Supervisors Hearing

DATE

OWNER

MAILING ADDRESS, CITY, STATE, ZIP

SUBJECT: NOTICE OF ASSESSMENT/BOARD OF SUPERVISORS HEARING

Dear OWNER:

You are hereby notified the Superintendent of Streets has completed the repairs to the sidewalk at PHYSICAL ADDRESS, CITY and the cost thereof shall be a lien upon your property pursuant to Section 5614 of the Streets and Highway Code.

The work to repair the sidewalk included removing and replacing sections of concrete walkway. The cost to repair the sidewalk at your location was \$TOTAL.

The work is completed and the cost of the work will be presented at a Board of Supervisors meeting tentatively scheduled for DATE OF HEARING.

If you have any questions please contact me at (805) 781-5252.

Sincerely,

STAFF NAME

TITLE

(805) 781-5252

Road File: Road No.

Attachment 4 - Relevant Sections of the California Streets and Highway Codes

STREETS AND HIGHWAYS CODE 5600-5602, 5610-5618, 5625-5630

5600 As used in this chapter "sidewalk" includes a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.

5601 This chapter shall only apply to maintenance and repair proceedings, whether upon work originally done under this division or otherwise, and shall not be used for the construction of new improvements. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter.

5602 This chapter constitutes a separate and alternate procedure for performing the work specified herein and, except for the provisions of Part 5 of this division, no other provisions of this division shall apply to proceedings instituted hereunder.

5610 The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

5611 When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612 Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613 The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this

section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614 The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1 The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615 If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616 Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617 Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

5618 Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

5625 The cost of the repair may be assessed by the legislative body against the parcel of property fronting upon the sidewalk upon which such repair was made, and such cost so assessed, if not paid within five days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

5626 The superintendent of streets may file in the office of the county recorder of the county in which the parcel of property is located, a certificate substantially in the following form... NOTICE OF LIEN

5627 From and after the date of the recording of the notice of lien, all persons shall be deemed to have had notice of the contents thereof. The notice of lien may include claims against one or more separate parcels of property, whether contiguous or not, together with the amount due, respectively, from each such parcel. The statute of limitation shall not run against the right of the city to enforce the payment of the lien. If any such lien is not paid the city may file and maintain an action to foreclose such lien in the same manner and under the same procedure, so far as applicable, as that under which delinquent bonds are foreclosed under this division.

5628 As an alternative method of collection of the amount of the lien, the legislative body, after confirmation of the report of the superintendent of streets, may order the notice of lien to be turned over to the assessor and the tax collector of the city, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land. If city taxes are collected by the county officials, the notice of lien shall be delivered to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization.

5628.1 The legislative body shall have the power, in its discretion, to determine that the payment of assessments of one hundred dollars (\$100) or more may be made in annual installments, not to exceed five, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed the rate permitted for bonds by Section 53531 of the Government Code. Interest shall begin to run on the 31st day after the

confirmation of the assessments by the legislative body. Determinations of the legislative body shall be expressed by resolution at any time prior to the confirmation of the assessments.

5629 Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment taxes.

5629.1 If bonds are to be issued to represent the security of the unpaid assessments, upon confirmation of the report by the legislative body the superintendent of streets shall give notice to pay by mail and by publication substantially in the manner provided by Sections 4320 and 4321 of this code. The period for payment in cash stated therein shall be 30 days following the date of confirmation of the report. Upon completion of the cash payment period, the superintendent of streets shall file with the county recorder a certificate substantially in the form set out in Section 5626, giving notice therein that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed the rate permitted for bonds by Section 53531 of the Government Code, and shall begin to run on the 31st day after the confirmation of the report. Thereafter the provisions of Part 5 (commencing with Section 6400) shall be applicable and payments on assessments at bond shall be made as therein provided. The bonds may be issued and sold as the legislative body directs and may be dated at any time after the expiration of the cash payment period.

5630 Whenever the property fronting on a sidewalk required to be maintained and repaired pursuant to the provisions of this chapter lies within one city or unincorporated territory of a county, and the sidewalk required to be so maintained and repaired lies within another city or unincorporated territory of a county, the superintendent of streets of the city or county having jurisdiction over the sidewalk shall have full authority to serve notices to repair and do all work contemplated by Articles 2 and 3 of this chapter, notwithstanding the fact that the property fronting on the sidewalk lies within another city or unincorporated territory of a county. The legislative body of the city or county within which the sidewalk has been repaired pursuant to the provisions of this chapter shall have jurisdiction to levy an assessment to pay the cost of any such sidewalk repairs against the parcel of property fronting on said sidewalk, notwithstanding the fact that said property lies within another city or unincorporated territory of a county and said assessment shall be a lien on said property for the amount thereof until the assessment and all interest thereon is paid or until it is discharged of record.