



legal brief

by Jason W. Mauck

Liability for Damaged Sidewalks in Concord

Did you know that as a business owner, you could be responsible for maintaining the sidewalk in front of your store? Local ordinances require that owners of lots adjacent to any portion of sidewalk must repair and maintain that sidewalk! (See Concord Municipal Code §90-343.) Other cities and the State of California have similar statutes. The logic is that Municipalities are just too big and the sidewalks too plentiful to hire workers to examine every square inch of the concrete trails.

Property owners, or even those in control of property, can be liable for defects in sidewalks caused by tree roots on their (or even an adjacent owner's) property. (See *Moeller v. Fleming*, (1982) 136 Cal. App. 3d 241, 245.) This means that a businessman or property owner can be sued for injuries that a passing pedestrian may suffer as a result of a defect in the sidewalk caused by a neighboring tree. Because this is a statutory

violation, failing to repair can make the adjoining landowner negligent per se. Keep in mind that these rules apply to owners of property, not renters. Be sure to review any lease if you are not the property owner, as the landlord may put the onus on you, the lessee and business owner, to maintain the sidewalk. As always, you should make sure that the sidewalk is in good repair for the convenience and safety of your patrons.

If you'd like any assistance reviewing your lease, your insurance coverage for bodily injury on your property or any business-related matter, feel free to contact me.

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