

## CHAPTER 28

### SIDEWALKS AND CURBS

#### SECTION 1. ABUTTING PROPERTY OWNERS RESPONSIBILITY

A. Sidewalks, curbs, driveways and any other improvements located along and in the public street and thoroughfares within the Corporate Limits of the Town of Williamsport shall be constructed and paved with some material authorized by the Mayor and Council of Williamsport or its designee, except as otherwise provided in this Ordinance.

B. Same shall be constructed in accordance with specifications that may be established by the Mayor and Council from time to time or by some other person, agency, or designee authorized by the Mayor and Council to establish said standards.

C. Said improvements shall be constructed at the expense of the owner and/or occupant of any lot, lots, or parts of a lot abutting existing streets or future streets, as the same are presently approved for subdivision or as may hereafter be approved for subdivision and/or construction within the corporate limits of the Town.

D. Said sidewalks, curbs, driveways and other improvements or unimproved or areas located along and in the public streets and thoroughfares within the corporate limits of the Town of Williamsport shall be maintained and kept in a reasonable state of repair at the expense of the abutting property owner and/or occupant of any lot, lots, or parts of a lot as referred to herein, free and clear of any obstruction or debris.

#### SECTION 2. NOTICE TO OWNER/OCCUPANT

A. When the owner/occupant of any lot, lots, or part of a lot, as referred to herein, is given notice to construct or repair a sidewalk, curb, driveway or any part hereof, as provided for in this Ordinance, and if said owner/occupant fails to comply with said notice within ninety (90) days after said notice is given, then said person, firm or corporation failing to observe the provisions of this section shall be deemed guilty of a violation of this Ordinance and subject to the penalty provisions set forth herein.

B. In addition thereto, in the event that the owner or occupant of any lot, lots, or parts of a lot refuses or neglects to comply with said notice within the period set forth in reference to the repair of said sidewalks, curbs, driveways or other improvements after having been ordered to do so by the Mayor and Council or its authorized designee, the Mayor and Council is hereby authorized to cause said work to be performed in a proper manner, and the cost of same shall be charged to the owner or occupant of the abutting property. The cost of said work shall be considered a lien upon the real estate and shall be collected in the same manner as are town taxes or by suit at law.

C. In addition to the reasonable charges that may be incurred in the enforcement and collection of same, any other costs and expenses that may be incurred shall be charged to the owner or occupant of the abutting property.

### **SECTION 3. CONSTRUCTION PERMITS**

It shall be unlawful for any person to construct, reconstruct, repair, or remove any sidewalk, curb, or driveway, or any portion of same which is in a public right of way, without first obtaining a permit to do so in compliance with the Ordinance. Permits shall be issued by the Town Clerk or designee of the Mayor and Council in the same manner as are all other permits and there shall be a basic administration fee established of \$25.00, and/or as may from time to time by Resolution of the Mayor and Council be amended.

### **SECTION 4. STANDARDS AND SPECIFICATIONS**

A. All sidewalks, footwalks, driveways, curbs and curb cuts shall be constructed as set forth in this Ordinance in accordance with standards and specifications as shall be established by the Mayor and Council or their duly authorized representative or designee. Said standards and specifications, once promulgated, shall be adopted by Resolution of the Mayor and Council and shall be incorporated and made a part of this Ordinance as from time to time may be revised or changed.

B. Such standards and specifications shall be furnished to each person, firm or corporation obtaining a permit under this Ordinance. Each notice or notification given to owners or occupants to construct, reconstruct or repair sidewalks, driveways, curbs or other improvements shall also contain a copy of the standards and specifications referred to herein.

### **SECTION 5. APPLICABILITY OF ORDINANCE – REPAIR OF EXISTING SIDEWALKS/DRIVEWAYS/CURBS/CURB CUTS**

Sidewalks, driveways, curbs, curb cuts, and improvements to any portion of the public right of way of the Town of Williamsport after the effective date of this Ordinance shall be constructed, reconstructed or repaired in accordance with the standards and specifications as set forth in Section 4.

### **SECTION 6. NOTICE – METHOD OF NOTICE**

A. The notice provided for in this Ordinance shall be given by personally servicing a copy of same on said abutting property owner or occupant by sending a copy thereof by registered or certified United States mail addressed to said owner/occupant as the same appears on the tax records of the Town of Williamsport, Maryland.

B. In the event that service cannot be made in accordance therewith, notice shall also be placed in a conspicuous manner and posted upon the property.

#### **SECTION 7. REMOVAL FROM SIDEWALKS – SNOW**

A. Every person in charge or control of any building or lot of land within the Town fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed and cleared away snow and ice from a path, upon and along so much of said sidewalk as is in front of or abuts on said building or lot of land. Snow and ice shall be removed from all sidewalks with the Town on the same day as the cessation of any fall of snow, sleet or freezing rain or within the first eight (8) hours of daylight after the cessation of any such fall, whichever period is longer. In the event the person responsible for removing the snow and/or ice as required hereunder does not do so within eight (8) hours of daylight after the cessation of such fall, the Town, at said person's expense, shall have the right to remove the snow and ice. In the event the snow is not removed within twenty-four (24) hours of the cessation of the fall of snow, sleet or freezing rain, the Town shall have the right to take all necessary action to remove the snow, sleet or freezing rain in accordance with this Ordinance and shall charge that expense to the property owner in the form of a written billing mailed regular mail to the property owner of record as designated by the Maryland State Department of Assessment and Taxation.

B. However, in the event that snow and ice on a sidewalk has become so hard that it cannot be removed within the likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in paragraph A hereof, cause enough calcium chloride ( $\text{CaCl}_2$ ) or some comparable substance to be put on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits, cause a path in aid sidewalk to be thoroughly cleaned.

C. Deposit of ice and snow restricted. No person shall deposit or cause to be deposited any snow or ice on or against a fire hydrant or on any sidewalk, roadway or loading and unloading area of a public transportation system, except that snow and ice may be windrowed on public roadways incident to the cleaning thereof.

#### **SECTION 8. SPECIAL EXCEPTIONS/EXEMPTIONS**

It is recognized that certain areas within the geographical confines of the Town are not susceptible to construction of sidewalks from a practical standpoint. The Mayor and Council are hereby granted the authority to make certain special exceptions upon application of the abutting property owners in reference to the requirement of construction of sidewalks upon proper application therefore. The Mayor and Council in establishing those standards are also hereby authorized, if it deems it advisable in the best interest of the public, to provide for certain areas to be exempt and to provide for special exceptions to Section 1 of this Ordinance.

**SECTION 9. PENALTY/REMEDIES**

A. A violation of the terms of this Ordinance by any person, firm, or corporation of whatsoever nature or kind shall be subject to the penalties set forth in Article 3 (General Penalty). These penalties shall be in addition to those specified in Section 7 of this Ordinance. Nothing herein contained shall prevent the Town from taking such other lawful action as may be necessary to prevent or correct a violation of this Ordinance.

B. Each day a violation continues shall constitute a separate and distinct violation.

**SECTION 10. EFFECTIVE DATE**

This Ordinance shall be considered an Emergency Ordinance and shall be effective on December 31, 2007.

EFFECTIVE DATE:

AMENDED: 12/10/07

REENACTED: 12/10/07