

Recommendations of the Streets and Sidewalks Committee regarding Sidewalks in Milton

§ 183-1_Duty of property owner to repair sidewalk.

- A.** The owner of any lot in front of which any sidewalk or curbing has been laid or constructed shall, in the event such sidewalk or curbing shall be in any way damaged or broken, cause the sidewalk or curbing to be repaired within 30(90) days after such sidewalk or curbing shall have been damaged or broken. If the premises shall be vacant at the time of the damaging or breaking of any such sidewalk or curbing, the owner shall cause the sidewalk or curbing to be repaired within 30(90) days after notice by the Town Clerk, (CODE ENFORCEMENT) forwarded to such owner by registered mail.
- B.** The Town Clerk and the Chief of Police (Public Works Director) shall at all times keep the Council (and Code Enforcement Department) informed of any broken or damaged sidewalk or curbing that they deem hazardous within the Town
- C** Any repairs not begun by the expiration of the 90 day period shall be subject to a fine as stated in the fee schedule (not less than 25.00 dollars nor more than 75.00 dollars per day plus the cost of prosecution until such corrective actions as specified have begun)

§ 183-19_Violations and penalties.

- A.** Any person laying, constructing, or repairing or causing to be laid, constructed or repaired, any sidewalk within the Town who shall fail to comply with 183-2 thru 183-18 of this article shall, upon conviction, be subjected to a fine as provided in § 1-16 of this Code.
- B.** The Town Clerk shall immediately forward to the owner of the property abutting any sidewalk laid in violation of any of the rules and regulations in this article a notice to repair such sidewalk so as to conform to this article. Upon the failure of any abutting owner to comply with such notice in the space of 60 days, the procedure set forth in Section 31 of the Charter of the Town shall be followed STRIKE This Section as it is slightly different than stated in the Charter

§ 183-20_Curbs, gutters and sidewalks.

[Added 4-7-2003]

- A.** Definition of new construction when applied to curbs, gutters and sidewalks. "New construction" is the improvement of a vacant parcel with a primary permitted structure, or if, in the opinion of the Code Officer, there is over 50% of alterations done on the existing primary structure or addition to the existing floor space of the primary structure equal to or greater than 25%, or the change of use of the property from a low- to no-volume pedestrian use to a higher volume pedestrian use (i.e., office to a coin-operated laundry mat, a single business in a structure to multiple businesses in the same structure).

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- B. Subdivisions and new construction. As a condition of approval or issuance of a building permit, all subdivisions and new construction shall be required to install curbs, gutters and sidewalks where no such improvements exist or where such improvements are in need of repair.
- C. Specifications. Installation of curb, gutter and sidewalk improvements shall be in accordance with specifications as determined by the Town Council.
- D. Repair. It shall be the responsibility of the owner to repair all sidewalks within, adjacent to or approximately parallel to the owners' property line although it may be situated wholly or partially in the Town right-of-way. The Town of Milton shall have oversight responsibilities, but not financial responsibilities for all curbs and gutters wherever situated within the Town limits.[Amended 9-8-2006 by Ord. No. 2006-3]
- E. Exceptions. Waiver of the requirement for installation of curbs, gutters and sidewalks may be granted by the Town Council for good cause shown by the property owner. Waiver may be conditioned on the requirement of future construction of the improvements when deemed appropriate by the Town Council.

Why is this section 183-20 not being followed?

§ 183-54 Responsibility for removal of snow; violations and penalties.

It shall be unlawful for the owner or occupant of any premises in the Town of Milton, in front or by the side of which shall be a sidewalk or pavement, to permit or allow snow to remain thereon for a longer period ~~then~~ ~~than~~ 24 hours after it shall have ceased snowing, and every person who shall permit or suffer the same to remain on said sidewalk or pavement in violation of this article and he, she, or they, so offending, shall forfeit and pay a fine of \$50 ~~delete~~ for such offense ~~as set in fee schedule to~~ be collected as fines of like amounts are collected., and it shall be the duty of the Street Committee to have the said snow removed immediately, and the cost of removing the same shall be recovered from the persons responsible for the same. ~~Strike~~

(Fine of not less than 25.00 per day until snow is removed)

Additionally The Streets and Sidewalks committee would like to see language added to the appropriate sections of the Code draining water and allowing it to stand on sidewalks and allowing unabated weed growth in sidewalk expansion cracks (nuisance ordinance).