

**ORDINANCE NO. 2014-\_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 183 OF THE MILTON TOWN CODE REGARDING SIDEWALKS.**

**WHEREAS**, Section 29(a)(7) of the Town Charter of the Town of Milton vests power in the Town Council to define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health, welfare; or the health and capacity of ecosystems that support the natural areas of the town; and

**WHEREAS**, Section 29(a)(3) of the Town Charter of the Town of Milton vests power in the Town Council to “ascertain, locate, layout, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent, or remove any obstruction of, level, grade, flag, dress, pave, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, water course, park, lake, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion thereof in the Town”; and

**WHEREAS**, Section 29(a)(23) of the Town Charter of the Town of Milton vests power in the Town Council to “enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners”; and

**WHEREAS**, Section 29(a)(23) of the Town Charter of the Town of Milton vests power in the Town Council to provide for the punishment of a violation of any Ordinance of the Town by fine or imprisonment, or both, not exceeding One Thousand Dollars (\$1,000.00) or sixty (60) days, or both; and

**WHEREAS**, the Town Council of the Town of Milton has previously enacted an ordinance regarding streets and sidewalks, which is codified in Chapter 183 of the Town Code;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Town Council of the Town of Milton:

Section 1. Amend § 183-1 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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 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 days after notice by the Town official charged with Code enforcement ~~Clerk~~, forwarded to such owner by registered mail.

B. The Town official charged with Code enforcement Clerk and the Chief of Police Public Works Director shall at all times keep the Council informed of any broken or damaged sidewalk or curbing that they deem hazardous within the Town.

C. Any repairs shall be completed within 90 days of notice unless the owner provides to the Town proof of his or her good faith efforts to have the repairs completed promptly. Regardless of any good faith efforts, any repairs not completed within 90 days after notice shall constitute a violation of this section and shall be punished by a fine not less than \$25 nor more than \$75, plus the costs of prosecution. Each day after the aforementioned 90-day period shall constitute a separate violation.

Section 2. Amend § 183-19 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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 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. In addition to the aforementioned fine, Upon the failure of any abutting owner to comply with such shall result in the Town official charged with Code enforcement or other designated Town official to issue a notice in the space of 60 days, and the procedure set forth in Section 31 of the Charter of the Town shall be followed.~~

Section 3. Amend § 183-54 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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 for such offense 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~~ Each additional 24-hour period in which a person permits or suffers the same to remain on the sidewalk or pavement shall be a separate violation, punishable by a fee of \$25 to \$50. If the Town removes the same, in addition to the aforementioned fine, the cost or value of removing the same shall be recovered from the persons jointly and severally responsible for the same.

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## SYNOPSIS

This Ordinance amends the Town Code's chapter regarding sidewalk repair and snow removal and the punishments for failure to comply. These changes are based on recommendations from the Streets and Sidewalks Committee and promote conformity with the Town Charter.

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I, **MARION JONES**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, **2014**, following a duly noticed meeting, at which a quorum was present and voting throughout and that the same is still in full force and effect.

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**MAYOR**