

City of Romney
Sidewalk Ordinance
2017

An ordinance to repeal and replace the existing City Sidewalk Ordinance with The City of Romney Sidewalk Ordinance 2017 for the protection of the public health, safety and general welfare by the adoption of regulations concerning the installation, maintenance, repair and safety of existing public sidewalks within the City of Romney.

Section 1: Purpose

The purpose of this Ordinance is to regulate the installation, maintenance, and repair of existing public sidewalks along a public street to keep them in proper and safe condition for public use. To provide for the imposition of liability upon abutting landowners for injuries or damages caused by a defective sidewalk. To require landowners within the municipality with existing sidewalks upon or adjoining their land, lots or real estate to:

1. Install, maintain, repair and keep safe sidewalks
2. Provide standards of proper sidewalk installation, maintenance and repair
3. Require adjoining or abutting landowners to install, maintain, repair and keep safe sidewalks
4. Impose liability on said adjoining or abutting landowners for injuries or damages caused by the failure to properly perform sidewalk maintenance and repair duties

Section 2: Definitions

Sidewalk: A walkway along the margin of a street designated and prepared for the use of pedestrians, excluding vehicles.

City: The City of Romney, an incorporated municipality in Hampshire County, West Virginia.

Landowner: The owner or owners of record of land as found in the Office of the Clerk of the County Commission, Hampshire County, West Virginia.

Section 3: Regulations

- I. The landowner of all land, lots, or real estate within the City is required to maintain, repair and keep safe existing sidewalks adjacent to or upon his/her property and premises in or along the public streets in the City.
- II. It shall be the duty of the landowner of land, lots, or real estate within the limits of the City to keep all sidewalks that have been laid in front of, upon, or adjacent to such premises, in or along any of the street rights of way, in good repair and free from dangerous ice, snow, or other dangerous obstructions and conditions. Any landowner of any land, lots, or real estate within the City who shall allow any such sidewalk to remain in disrepair or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of said sidewalk. Such landowner shall further indemnify and reimburse the City for any and all liability costs and expenses which the City might incur as a result of any such defective or dangerous sidewalks.
- III. The landowner who conveys land, lots or real estate within the City by deed with existing sidewalks shall be required to repair or replace any defective sidewalk prior to conveyance.

Transfers of property by Will, intestate succession, or consideration of \$10.00 or less shall be exempt from this requirement.

IV. In the event of snow on or across sidewalks, the landowner or occupant of the land, lots, or real estate or other premises adjacent to or abutting upon the sidewalk shall remove such snow or cause the same to be removed within the period of time herein required:

- Snow that has accumulated in or during the nighttime shall be removed by 6:00 p.m. of the following day.
- Snow falling or drifting during the day shall be removed before 12:00 noon of the following day.
- Snow shall not be shoveled or swept onto any City streets or City runoff areas.

V. No person shall permit or cause any building material, dirt, sand excavated material, wood, rubbish, any article or other substance or merchandise to be deposited, delivered, piled or placed in any way above or upon any sidewalk so as to obstruct the sidewalk except by written authority of the City. Merchandise necessarily delivered on the sidewalks shall be immediately removed to the interior of the address to which it was delivered.

VI. Written authority from the City must be obtained in the event it is necessary for a landowner to temporarily obstruct the sidewalk with building material, dirt, sand, excavated materials, wood, rubbish or any other items, articles or substance that obstructs or is dangerous to public travel. The City shall designate the days and times permitted for any temporary obstruction of the sidewalk.

- The landowner and the person responsible for such obstruction have an affirmative duty to place a suitable number of caution lights and barricades on or about the same to indicate the location and extent of such obstruction to prevent injury to persons and property.

VII. Written application shall be made to the City Administrator for authority to temporarily obstruct or deposit any substance or merchandise on City sidewalks. The City Administrator is authorized to grant or deny any such application in writing. Application shall state the dates, times and nature of any blockage or deposit and shall be signed by the responsible party.

Section 4: Standards

All sidewalks or portions thereof installed, maintained or repaired shall comply with the following minimum specifications:

- I. If required by the West Virginia Department of Transportation, due to location, sidewalks shall be in compliance with the American Disabilities Act.
- II. All sidewalks shall be constructed to grade established by existing adjoining walks or the absence of the foregoing by the City's Maintenance Supervisor and shall be paved with a single course of concrete using aggregate that shall have a compressive strength of not less than 3,500 pounds per square inch within 28 days of paving. Paving bricks may be substituted for concrete when authorized in writing by the City.
- III. All sidewalks shall be at least three (3) feet in width. Wider sidewalks may be required by the City in commercial or industrial areas or multiple family areas, due to anticipated traffic and the development of the area.
- IV. Paving shall be constructed of at least a two (2) inch thick compacted sand base and shall be at least four (4) inches thick except where sidewalks cross driveways, where it shall be at

least six (6) inches thick. Paving joints shall be perpendicular to the sidelines at intervals consistent with adjoining or abutting sidewalks and not greater than the sidewalk width. One (1) inch expansion joints shall be placed through the walk at least every 50 feet, and between walks and other rigid structures.

- V. The surface shall be roughened with a brush or other equipment to prevent smooth and slippery surfaces.

By authority of the West Virginia Code Ch. 8 Art. 18 sec. 1, the City Council may install, maintain or repair or order the installation, maintenance or repair of sidewalks for the health, safety and general welfare of the residents of the City after notifying the involved landowner of the time and place of a hearing of such order before the City Council. Following the hearing the City may either install, maintain or repair the sidewalks and assess the costs to the landowner payable over a five (5) year period or permit the landowner a specified time to have the sidewalks installed, maintained or repaired according to City specification at the landowner's expense. No work shall be commenced until an approved building permit is issued by the City Administrator. Building permit fees will be waived for the installation, maintenance or repair of sidewalks.

The cost of installation, maintenance or repair of a sidewalk to be charged against a landowner shall be based upon actual cost or engineer's estimates, less such public contribution, if any, authorized by the City Council.

The City Council may also authorize collection of the cost of such installation, maintenance or repair by civil action or other means as may be proper for the collection of debts by legal process.

The City will remove existing sidewalks prior to installation, maintenance or repair of sidewalks and perform grading for new sidewalks at no cost to the landowner.

Section 5: Owner Caused Defects

Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to, trees or other growth, surface drainage, on-site construction, vehicular traffic or other on-site activities, the abutting landowner shall be responsible for its installation, maintenance, repair or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the City for any damages, costs or expenses resulting from such landowner's defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing.

Section 6: Public Funding

The City Council may authorize funding for the installation of new sidewalks or maintenance and repair to existing sidewalks along any street or highway in the City based on the availability of grants or other government subsidies. In the event such funding is available, the landowner shall be exempt from the cost of replacement and or repair in regard to the project.

All other requirements of this Ordinance will apply even though funding for sidewalks is provided by other than landowner.

Section 7: Saving Clause

Should any section or provision of this Ordinance be declared unconstitutional, unauthorized, invalid, or in conflict with any other section or provision of any Ordinance of the City, by a Court of Competent Jurisdiction, such decision shall not be held to invalidate or impair the validity, force or effect of any other section or provision of this Ordinance.

Section 8: Repeal of Conflicting Ordinances and Effective Date

All existing City Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect immediately upon publication following its adoption.

First Reading: _____

Second Reading: _____

Third Reading: _____

Effective this _____ day of _____ 2017.

Daniel O. Hileman, Mayor

Beverly C. Keadle, City Recorder

(SEAL)