

TOWN OF WALKERSVILLE  
ORDINANCE NO. 2023-05

AN ORDINANCE TO AMEND CHAPTER 69 STREETS AND SIDEWALKS,  
ARTICLE III, SECTION 69-16, LAYOUT AND CONSTRUCTION OF  
SIDEWALKS, CURBS, AND GUTTERS AND SECTION 69-17 MAINTENANCE  
AND RESPONSIBILITY OF ABUTTING PROPERTY OWNERS TO PERFORM  
CERTAIN WORK.

BE IT ENACTED AND ORDAINED by the Burgess and Commissioners of the Town of Walkersville that the Town Code shall be amended as follows. New provisions are indicated by being in **bold font** and the provisions being eliminated are indicated in *italics*.

**ARTICLE III**  
**Construction and Maintenance of Sidewalks, Curbs and Gutters**

**§ 69-16 Layout and construction of sidewalks, curbs and gutters.**

The Burgess and Commissioners shall have the power:

- A. To establish and change from time to time the grade lines, width and construction materials of any sidewalk, curb or gutter, or part thereof.
- B. To grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter the sidewalks along any public way or part thereof.
- C. To install, repair and maintain **sidewalks**, curbs and/or gutters along any public way or part thereof.

**1. The Town will repair a section of sidewalk when it is determined to be in a Hazardous Condition.**

**a. A hazardous condition shall be considered to exist when any of the following conditions exist in any portion of a sidewalk:**

- (1) A crack resulting in a gap/separation of one inch or greater.**
- (2) The presence of a tilt in the sidewalk, whether caused by settlement, upheaval or other condition, which creates a differentiation in height of 3/4 inch or greater in any four foot or less length or width of the sidewalk or between sidewalk panels.**
- (3) Any hole which is greater than three inches in diameter as measured from its widest point.**
- (4) The presence of spalled or pitted areas where in a six-by-six-inch area the condition of spalling or pitting exhibits a depth of one inch or greater in any section of sidewalk.**
- (5) Any other condition of the sidewalk which is determined by the Town Manager or her/his designee, after due inspection and**

**observation, to constitute a hazard to public health, safety and welfare.**

- D. ~~To assess the cost of any projects under this section on the abutting property owners in the manner provided in this chapter.~~ **To assess the cost of any projects under this section on the abutting property owners in the event that the damage to the Sidewalks, Curbs and/or Gutters has been determined by the Town Manager and/or Public Works director and/or her/his designee to be due to negligence on the part of the abutting property owner or their representative.**

**1. Property owners will be notified in writing of damaged sidewalk caused by a tree. The property owners will be given 90 days to mitigate the tree before the sidewalk is repaired. The Town may mitigate the tree and repair the sidewalk if the property owner fails to complete the required work within 90 days of written notification; the property owner shall be billed for the mitigation of the tree and the repair of the sidewalk.**

**§ 69-17 Maintenance and responsibility of abutting property owners to perform certain work.**

- A. ~~Property owners, occupants, or other persons in control of any lots or lands located in Walkersville shall maintain their sidewalk bordering their parcels of land in a state that is free of hazardous conditions. [Added 9-8-1999 by Ord. No. 99-11; amended 11-13-2019 by Ord. No. 2019-06]~~

~~(1) A hazardous condition shall be considered to exist when any of the following conditions exist in any portion of a sidewalk:~~

~~(a) A crack resulting in a gap/separation of one inch or greater.~~

~~(b) The presence of a tilt in the sidewalk, whether caused by settlement, upheaval or other condition, which creates a differentiation in height of 1 1/2 inches or greater in any four foot or less length or width of the sidewalk or between sidewalk panels.~~

~~(c) Any hole which is greater than three inches in diameter as measured from its widest point.~~

~~(d) The presence of spalled or pitted areas where in a six by six inch area the condition of spalling or pitting exhibits a depth of one inch or greater in any section of sidewalk.~~

~~(e) Any other condition of the sidewalk which is determined by the Town Manager or her/his designee, after due inspection and observation, to constitute a hazard to public health, safety and welfare.~~

~~(2) The owner of any property with a sidewalk deemed by the Town Manager, or their designated official, to meet the definition of a sidewalk with a hazardous condition as defined in § 69-17A(1) shall be issued a code violation notice that shall include the following:~~

~~(a) The location of the hazardous condition.~~

~~(b) A photograph of the hazardous condition with any relevant measurements for scale.~~

~~(c) Time frame for completion.~~

~~(d) Property owner's right to appeal.~~

~~(3) The abutting property owner may file an appeal of the code violation, in writing, to the Burgess and Commissioners.~~

~~(a) The appeal must be submitted either in person or via mail to the Town office no more than 30 days from the issuance of the code violation notice.~~

~~(b) The burden of proof is on the applicant to demonstrate by clear and convincing evidence that the Town Manager or their designated official made an error in issuing the citation.~~

~~(c) Filing of this appeal does not stop the timely completion requirements as defined in Subsection A(2)(c) of this section.~~

~~(d) The appeal will be voted upon by a quorum of the Commissioners and a written notice of decision shall be issued to the applicant within 10 days from the Town.~~

~~(4) The property owner must remedy the hazardous condition within 90 days from the issuance of the citation.~~

~~(a) Exception. The Burgess and Commissioners, by vote, may grant an extension, to be determined by the Burgess and Commissioners, to the property owner if the property owner presents extenuating circumstances in writing. However, the extension shall not exceed 180 calendar days from the date the citation is issued. Upon approval or denial, written notice will be issued to the property owner within 10 calendar days.~~

~~(5) Upon completion of the work, the Town Manager or their designated official will conduct a site visit to the property and will inspect the repair to ensure that the completed work not only remedies the issue presented in the citation, but shall restore the sidewalk to the requirements set forth in the Town's Design Manual. [Amended 8-10-2023 by Ord. No. 2023-03]~~

~~(6) The Town will complete the work if the property owner fails to complete the required work within the time frame designated by the Town; the property owner shall be billed for the work.~~

~~(a) The Town may enter into an agreement with a property owner who shall pay in interest installments over the course of two years.~~

~~(b) Failure to pay the balance of cost to repair the sidewalk will result in a lien on the property.~~

~~B. The Burgess and Commissioners shall have the power to require and order the owner of any property abutting on any public way to perform any projects under~~

~~this chapter, at the owner's expense, according to plans and specifications adopted by resolution of the Burgess and Commissioners and on file in the Town office. If, after due notice and hearing, the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expenses thereof shall be a lien on the property and shall draw interest after 30 days at the rate of 1% per month or fraction thereof.~~

- A. An abutting property owner constructing a new building or substantially improving an old building upon his/her property shall be required, at his/her own expense, to provide sidewalks, curbs and gutters meeting the plans and specifications adopted by the Burgess and Commissioners; provided, however, that exceptions may be granted in special cases wherein the Burgess and Commissioners determine that the public interest will not be served by requiring strict adherence to the requirements of this section. In no case shall any occupancy permit required by this Code be issued if there has not been compliance with this section.

Introduced this 8th day of November 2023.

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Burgess & Commissioners of the Town of Walkersville  
Chad W. Weddle, President

Passed this 13th day of December, 2023.

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Burgess & Commissioners of the Town of Walkersville  
Chad W. Weddle, President

Approved this 13<sup>th</sup> day of December, 2023.

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Chad W. Weddle, Burgess