

Title VII – Chapter 74 - Sidewalk

Rewrite commentary – Andrew Mills

Reason for rewrite:

The sidewalk code, as written, is unclear and not broad enough to be useful. It does not offer any procedure for abating sidewalk violations, nor any authority to compel compliance. It also seems to only apply to certain commercial areas, offering no coverage anywhere else within the town.

Most municipalities regulate sidewalks to one degree or another for public safety reasons. The verbiage changes would more clearly apply these codes to the entirety of the town and cover such issues as parking blocking the sidewalk, grass or dirt accumulation on top of the sidewalk, tree limbs growing too low over the sidewalk. Etc. These issues represent a clear danger to pedestrians using the sidewalk, children specifically, who commonly leave the sidewalk and veer into the street to go around obstacles/obstructions.

Major changes:

Authority – Previous code had no enforcement authority listed.

Scope – Previous code seemed to indicate that this code only applied to “certain commercial property”, then went on to further define these areas as possibly including non-commercial areas. I did not like the confusing verbiage. I removed the commercial reference as there are many sidewalks in areas other than commercial.

Maintenance responsibility – Previous code listed “users” of sidewalks within the list of those responsible for maintenance. I have removed this. Previous code also places the burden on the owner/occupant of the property where the violation exists. Should we want to remove this burden, you can simply remove the **yellow** highlighted text.

Notice/Penalty/authority to abate/lien – Previous code made sidewalk issues a violation of code but did not offer any penalty or procedure for the town to take action to abate these violations. I added these tools.

Fine – Previous code cross referenced §10.99 as penalty. This is our general ‘catch-all’ for any violations of code. Due to the elements of a sidewalk violation, §10.99 sets the fine amount at “not to exceed \$500.” I found this to be high when compared to the penalty section associated with other property maintenance violations, which are set at “not to exceed \$200”. I have rewritten the penalty section to resemble this lower fine amount.