

CHESHIRE CODE OF ORDINANCES

Sec. 10-4. - **Sidewalk maintenance; repair and snow removal.**

- (a) Generally. The owner or owners of any property which abuts or is adjacent to a public sidewalk shall be responsible for maintaining, as hereinafter required, that portion of the sidewalk which is adjacent to his property.
- (b) Snow, sleet and ice removal. The owner, tenant, occupant or any person having the care of any land or building adjoining any sidewalk constituting a part of any public highway within the limits of the town shall cause to be removed therefrom any and all snow, sleet and ice within twenty-four (24) hours after the same has fallen or from whatever cause located thereon or within twenty-four (24) hours after sunrise when the same has fallen in the nighttime.

If the snow, sleet or ice cannot be wholly removed from the sidewalk, then the owner, tenant, occupant or any person having the care of such land or building shall remove so much thereof as is reasonably possible and shall sprinkle sufficient sand, ashes or other suitable substance in such quantity over the entire surface of the unremovable snow, sleet or ice remaining upon such sidewalk as shall be required to keep the same in a safe condition for public travel at all times.

If the owner, tenant, occupant or any person having the care of any land or building as aforesaid shall neglect to clear the sidewalk adjacent to any land or building within the time required, or shall neglect to keep the sidewalks in a safe condition for public travel at all times as aforesaid, the chief of police shall provide written notice of at least twelve (12) hours to owner, tenant, occupant, or whoever has the care of the land or building, that if such sidewalks are not cleared or made safe for public travel, the director of public works may cause the same to be cleared or made safe for public travel at the expense of the owner of such premises. If the director of public works shall so cause the sidewalk to be cleared, he shall deliver or mail to the owner or person or corporation having the care of such sidewalk within ten (10) days after such clearing a bill for said expenses including a reasonable allowance for administrative costs. If the expenses thereof shall not be paid by such owner, person or corporation, the same shall be lien upon the premises adjoining such sidewalk, provided the director of public works shall cause a certificate of lien to be recorded in the town clerk's office within sixty (60) days from the time of such clearing.

In the event schools are closed because of snow conditions, the time allowed for clearing or sanding within this section shall be extended until 6:00 a.m. of the day following the day that schools are closed.

In the event the town manager officially declares in writing that a snow or weather emergency exists, then in that event the time allowed for clearing or sanding within this section shall be extended until 6:00 a.m. of the day following the day the town manager lifts the emergency.

No person shall throw or place or cause to be thrown or placed any ice or snow into the traveled portion of any street or highway within the Town of Cheshire from private lands and property without the written authority or permission of the director of public works first obtained. No person shall discharge or allow to be discharged any water onto the traveled portion of any street or highway so as to cause a safety hazard or nuisance.

Any person who shall throw, place or cause to be thrown or placed snow or ice into the traveled portion of any street or highway or who shall discharge water into the traveled portion of any street or highway so as to cause ice to accumulate shall, upon notice of the director of public works, cause said snow or ice to be removed from the highway. If said person does not clear or make safe the highway for public travel to the satisfaction of the director of public works, the director may cause the street or highway to be cleared. If the director shall so cause said street to be cleared, he shall deliver or mail to the owner or person or corporation having the care of such property from which the snow or ice originated within ten (10) days after such clearing a bill for said expenses including a reasonable allowance for administrative costs. If the expenses thereof shall not be paid by such owner, person or corporation, the same shall be a lien upon the premises adjoining such street or highway, provided the director shall cause a certificate of lien to be recorded in the town clerk's office within sixty (60) days from the time of such clearing.

Every person who shall violate any of the provisions of this paragraph (b), shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100.00) for each violation. Each twenty-four-hour period that said sidewalks or roadways are not cleared or in a safe condition for public travel shall be considered a separate offense.

- (c) Removal of debris, litter and obstructions. The owner, tenant, occupant or any person having the care of any land or building within the town upon or adjacent to which is a sidewalk shall at all times keep the sidewalk in a safe condition for the use of the public and shall remove therefrom, without delay, any and all litter, leaves, grass, weeds, gravel, dirt, stones or any other obstruction of any nature which would in any way impede or imperil public travel upon the sidewalk or to render it unsafe.

No person being the owner, tenant or occupant of any land or premises within the town shall permit any limb or branch of any tree or shrub or other object to overhang any part of any public sidewalk within seven (7) feet of its surface. Nor shall any growth including weeds, briars, bushes or hedges be allowed to extend onto the sidewalk and if such person or persons, after having been notified by the director of public works to do so, shall fail to remove such limb or branch, weeds, briars, bushes or hedges within ten (10) days after receiving such notice, then the director of public works may cause the same to be removed at the expense of the owner of such premises.

If such owner, tenant, occupant or any other person having the care of any land or building within the town upon or adjacent to which is a sidewalk shall fail to so remove such debris, litter or obstructions within twenty-four (24) hours after the same has accumulated or been placed on such sidewalk, the director of public works shall provide written notice of at least twelve (12) hours to said owner, tenant, occupant or whoever has the care of the land or building that if said sidewalks are not cleared or made safe for public travel, he shall cause the same to be cleared or made safe for public travel at the expense of the owner of such premises. If the director shall so cause said sidewalk to be cleared, he shall deliver or mail to the owner, person or corporation having the care of such sidewalk within ten (10) days after such clearing a bill for said expenses. If the expenses thereof shall not be paid by such owner, person or corporation, the same shall be a lien upon the premises adjoining such sidewalk, provided the director shall cause a certificate of lien to be recorded in the town clerk's office within sixty (60) days from the time of such clearing.

(d) Maintenance of greenbelt. The abutting owner, tenant, occupant or any other person having the care of any land or building within the town shall maintain the ground surface of the greenbelt, if any, between the sidewalk and/or streetline and the curb or gutter in a neat and properly graded manner, free and clear of all bushes and shrubs, standing grass and litter of every sort which would constitute a traffic or fire hazard or a public nuisance, and free of holes and defects which would constitute a danger to pedestrians.

(e) Repairs:

(1) Whenever any sidewalk is determined by the director of public works to be in need of repair or replacement, the town shall bear the cost of such repairs or replacement with the following exceptions:

a. Costs associated with repairs or replacement for damage caused by trees located within the adjoining property shall be borne wholly by the property owner.

b. Costs associated with repairs or replacement for damage caused by surface water runoff from the adjoining property shall be borne wholly by the property owner unless the director determines that said runoff is not the responsibility of the property owner.

c. Costs associated with repairs or replacement for damages which, in the opinion of the director, are caused by vehicles making deliveries to the property or by other action of the property owner shall be borne wholly by the property owner.

d. Costs associated with the repair or replacement of driveway aprons shall be borne wholly by the property owner.

(2) Driveway aprons are those section of the driveway, whether concrete or bituminous, between the streetline and the curblineline or gutterline. If a concrete

sidewalk crosses the driveway, the apron shall be that portion of the driveway from the face of the sidewalk to the curblineline or gutterline. If the sidewalk and apron are monolithic, then the entire section shall be considered the apron.

(3) The director is hereby authorized and empowered to adopt from time to time such reasonable rules, regulations and specifications for the construction and repair of sidewalks, driveway aprons, curbs and handicapped ramps as may be in the best interest of the town and to effectuate the terms of this section. Said regulations shall be filed in the town clerk's office.

(4) No person, firm or corporation shall construct, repair, replace or otherwise perform any work on any sidewalk, driveway apron, curb or handicapped ramp within the public highways and streets of the town unless such person, firm or corporation shall have obtained from the director a permit to do such work.

(Ord. Enact. 9-5-56, §§ 1—4; Ord. Enact. 11-20-62; Ord. Enact. 12-11-78; Ord. Enact. 1-9-90)

Cross reference— Streets and sidewalks, Ch. 14

State law reference— Municipal authority to maintain and control sidewalks, G.S. 7-148(c)(6)(C).