

COUNTY ORDINANCE NO. 16-19

A BILL ENTITLED

AN ACT CONCERNING Public Ways and Sidewalks;

FOR THE PURPOSE OF regulating sidewalks constructed in Queen Anne's County; providing for the maintenance thereof, including snow removal; providing for the free and unobstructed use of such sidewalks, adopting standards for repair, replacement and maintenance of such sidewalks, authorizing and providing for the assessment of the costs of repair, replacement or maintenance against adjoining property owners in some circumstances and providing for the collection of same in the same manner as County real estate taxes; providing for civil citations for failure to maintain sidewalks; redesignating Part 5 of Chapter 23 of the Code of Public Local Laws; and generally regulating the use, repair, replacement and maintenance of certain sidewalks in Queen Anne's county, Maryland.

BY ADDING a new Part 5 entitled "Sidewalks" and new Sections 23-66.1 through 23-66.6 to Chapter 23 of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Part 5 entitled "Sidewalks" and new Sections 23-66.1 through 23.66.6 be ADDED to the Code of Public Local Laws to read as follows:

Part 5. Sidewalks.

§23-66.1 Legislative purpose; statutory authority; applicability.

- A. Purpose. An act to provide standards for the construction, maintenance and repair of sidewalks.**
- B. Authority. This article is authorized under the provisions of the Local Government Article of the Annotated Code of Maryland, as amended.**
- C. Jurisdiction. This article shall only apply to the unincorporated areas of Queen Anne's County.**

§23-66.2 Sidewalk categories.

Under this Chapter, there shall be three categories of sidewalks located on public or private property within Queen Anne's County as follows:

- A. Sidewalks constructed in existing neighborhoods as part of urban highway reconstruction in conjunction with the Maryland State Highway Administration or other County-initiated sidewalk projects.**
- B. Sidewalks built in a new subdivision by a developer.**
- C. Sidewalks added to an existing neighborhood or property by the owners of those properties.**

§ 23-66.3 Urban highway reconstruction.

This section applies to sidewalks constructed in existing neighborhoods where sidewalks are constructed as part of urban highway reconstruction in conjunction with the Maryland State Highway Administration or other County initiated sidewalk project.

- A. Abutting property owners shall be responsible for sidewalk surface maintenance, including, but not limited to, removal of leaves, weeds, and snow.**
- B. Sidewalks shall not be blocked by vehicles or other obstructions or used as a depository for materials, waste receptacles or other objects, nor shall sidewalks be defaced or removed.**
- C. The County shall develop a program to inspect sidewalks and, when necessary, initiate structural repairs or replacement thereof. The expense to repair or replace these sidewalks shall be an expense borne by the County, except if the sidewalk is damaged by the actions of an abutting property owner or other party, in that case that party shall be responsible for the sidewalk's repair or replacement.**

§ 23-66.4 Sidewalks built in subdivisions by developers.

- A. Approval to construct a sidewalk in a planned subdivision shall be obtained from the County prior to construction to insure compliance with applicable standards and codes.**

B. Owners of property abutting sidewalks shall be responsible for sidewalk surface maintenance, including the removal of leaves, weeds, and snow.

C. Sidewalks shall not be blocked by vehicles or other obstructions or used as a depository for materials, waste receptacles or other objects, nor shall sidewalks be defaced or removed.

D. The County shall develop a program to inspect sidewalks and advise abutting property owners when repairs or replacement is required.

E. Owners of property abutting sidewalks in subdivisions built by developers shall be responsible to initiate structural repairs or replacement of sidewalks at their cost.

F. The requirements pertaining to a property owner's responsibility with regard to maintenance and repair/replacement of sidewalks shall be included on the approved subdivision plat and/or Community Covenants for subdivisions subject to this section.

§ 23-66.5 Sidewalks installed in existing neighborhoods or properties by an individual or group of owners of those properties.

A. Approval to construct a sidewalk in public rights-of-way shall be obtained from the County prior to construction to ensure compliance with applicable standards and codes.

B. Sidewalks installed by the owner(s) of properties in existing neighborhoods or properties by the owners of those properties shall be the responsibility of abutting property owners.

C. Owners of property abutting sidewalks under this section shall be responsible for sidewalk surface maintenance, including removal of leaves, weeds, and snow.

D. Sidewalks shall not be blocked by vehicles or other obstructions or used as a depository for materials, waste receptacles, or other objects, nor shall sidewalks be defaced or removed.

E. The County shall develop a program to inspect sidewalks located on public property and advise abutting property owner when repairs or replacement is required.

F. Abutting property owners shall be responsible to initiate structural repairs or replacement of sidewalks at their cost.

§ 23-66.6 Compliance required.

A. The County shall establish a schedule of fines for the failures of an abutting property owner to maintain a sidewalk pursuant to this article and any regulations promulgated pursuant to this article. All violations shall be considered civil infractions.

B. Any property owner who has been given proper notice of a violation who does not comply within a thirty-day period given to remedy any violation shall be served with a civil infraction pursuant to authority granted by Title 11, Subtitle 2 of the Local Government Article of the Annotated Code of Maryland.

C. All civil citations shall be processed in accordance with Title 11, Subtitle 2 of the Local Government Article of the Annotated Code of Maryland. Each day that a violation exists is considered a separate offense.

D. Failure of an abutting property owner to repair or replace a damaged sidewalk within 120 days of notice being provided to that owner by the County shall result in the County contracting for said repairs and charging the property owner for those repairs. Failure of a property owner to pay these charges may result in a lien being placed against the property by the County for the amount of said repairs; said lien shall be collectible in the same manner as County real property taxes.

E. Sidewalks constructed on public property without County approval shall be removed at the violator's expense.

F. The County may institute, mandamus, or other appropriate actions, or proceedings at law or equity for the enforcement of violations or to correct violations; and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

SECTION II

BE IT FURTHER ENACTED that Part 5 "Civil Infractions" of Chapter 23 of the Code of Public Local Laws be redesignated as "Part 6".

SECTION III

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner Moran

DATE: October 25, 2016

PUBLIC HEARING HELD: November 22, 2016 @ 7:05 pm

VOTE: 3 Yea 2 Nay (Commissioner Anderson & Buckey Opposed)

DATE OF ADOPTION: December 13, 2016

EFFECTIVE DATE: January 28, 2017