

Article 8 Chapter 4

SIDEWALKS

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8-4-1 DEFINITIONS.

Alley means a minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on the street. Its use is for secondary access to the lot and/or service purposes. An alley shall not be considered to be a street.

Sidewalk means a paved path for pedestrians at the side of a road.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

8-4-2 UNSAFE SIDEWALKS AND RIGHTS-OF-WAY.

A. Hazards and Obstructions.

1. It shall be unlawful for the owner or occupant of any building, property or lot in the town to fail to maintain the sidewalks, curb, and gutters adjacent to such property, including those on public rights-of-way, in a clean and repaired condition and free of hazards and obstructions, including, but not limited to, piles of materials, vegetation, weeds, tree limbs, trash containers, structures, sports equipment, or any other object located less than seven (7) feet above a sidewalk.
2. It shall be unlawful for the owner or occupant of any building, property or lot in the town to deposit, place or otherwise locate, or to allow the deposition, placement or location, upon any public right-of-way adjacent to such building property or lot any hazard or obstruction, including, but not limited to, piles of materials, vegetation, weeds, tree limbs, trash containers, structures, sports equipment. An exception is made for lawfully parked motor vehicles.

B. Snow and Ice. It shall be unlawful for the owner or occupant of any building, property or lot in the town to fail to remove the accumulation of snow, sleet, hail

or ice from the sidewalks adjacent to such property, including those on public rights-of-way, within twenty-four (24) hours after the termination of each such snowfall, sleet, hail or ice. It shall further be unlawful for any person, to deposit, or cause to be deposited, any snow, sleet, hail or ice against any fire hydrant, or other appurtenance, or onto any public or private property that is not owned by, occupied by or otherwise under the legal control of the person without the express consent of the owner or occupant of the property.

- C. **Trash & Garbage Receptacles.** It shall be unlawful to place or permit to be placed any solid waste or solid waste container at the place of collection at the residential premises more than twenty-four hours of the day preceding the scheduled collection. No container may be left at the place of collection for twenty-four hours after the day of collection.

8-4-3 PERSON RESPONSIBLE FOR VACANT PROPERTY.

- A. Where any premises or parts of premises are not occupied in any manner, it shall be the duty of the owner thereof to comply with the requirements of sections 8-2-2.
- B. In the event the owner of any such premises so unoccupied shall be a nonresident of the town or absent from the town, that owner shall appoint a resident agent who shall have charge of such premises and shall comply with the requirements imposed in sections 8-4-2.

8-4-4 PERMIT REQUIRED FOR REPAIR OR REPLACEMENT.

- A. No property owner, occupant or other person shall repair, replace or modify any sidewalk located in the public right-of-way without first obtaining a permit for such construction. All sidewalk construction or modification shall comply with this the Town of Wiggins Land Development Code. Permits may be reviewed and approved by the Planning Department and the Town Manager.
- B. Sidewalks shall be repaired or replaced when they have become unsafe due to deterioration or movement of the earth or movement of the sidewalk so as to create a hazard to pedestrians. Sidewalk repair or replacement is the responsibility of the property owner upon whose property the sidewalk is located or whose property is adjacent to the sidewalk or right-of-way on which the sidewalk lies.
- C. Sidewalks shall be repaired or replaced only as follows:
 - 1. By repairing or replacing the sidewalk in a manner that puts the sidewalk in a condition as close as possible to the original sidewalk using similar materials, grade and size and taking into consideration adjacent and other neighborhood sidewalks and considering uniformity and safety.

2. In accordance with the specifications set forth in the Town of Wiggins Land Development Code, so long as the sidewalk is compatible with the style, material, colors and details of surrounding buildings. Sidewalks should not be constructed of asphalt.
3. Sidewalk repair, replacement or construction shall be completed in a manner that provides for the safety of pedestrians and complies with the requirements of the Americans with Disabilities Act when applicable.

8-4-5 TOWN RESPONSIBILITIES.

The town may replace or repair or may cause to be replaced or repaired curb and gutter and any sidewalk combined with the curb and gutter, commonly referred to as a rollover curb. Any person or entity that causes damage to any curb and gutter shall reimburse the town for such repair or replacement cost.