

**A RESOLUTION TO ESTABLISH THE SIDEWALK POLICY FOR ALL OF THE UNINCORPORATED
AREAS IN CALVERT COUNTY**

WHEREAS, pursuant to the authority contained in Section 12-504(d)(1)(ii) of the *Local Government Article* of the Maryland Annotated Code, the Board of County Commissioners of Calvert County, Maryland has general powers to promulgate regulations pertaining to the construction, maintenance, repair, and cleaning of sidewalks;

WHEREAS, in order to best provide for the general welfare of the citizens of Calvert County, it is the County's desire to provide its citizens with sidewalks and walkways that are safe, and are in a serviceable condition, and to adopt this Sidewalk Policy;

WHEREAS, after study and evaluation, the Department of Public Works of Calvert County recommends that the Board of County Commissioners adopt a Sidewalk Policy that provides Calvert County with a consistent procedure for evaluating the need and responsibilities for the construction, repair, maintenance and cleaning of sidewalks located within the public right-of-way or easements of the County and State Roads outside of Municipal Corporations;

WHEREAS, the Board of County Commissioners met in public session on May 3, 2016 and, after considering the evidence which has been presented regarding the proposed Sidewalk Policy and the recommendation of the Department of Public Works, finds it to be in the best interest of the public health, safety and welfare to adopt that "Calvert County Sidewalk Policy" attached hereto as Exhibit A and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Calvert County, Maryland, that the Calvert County Sidewalk Policy attached hereto as Exhibit A and incorporated herein by reference implements the foregoing recommendation and, **BE**, and hereby **IS**, adopted.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective immediately upon recordation without publication of a fair summary.

DONE, this 3rd day of May, 2016 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Maureen L. Frederick
Maureen L. Frederick, Clerk

Evan K. Slaughenhoupt Jr.
Evan K. Slaughenhoupt Jr., President

Approved for form and legal sufficiency by:

Tom Hejl
Tom Hejl, Vice-President

Mike Hart
Mike Hart

John B. Norris, III
John B. Norris, III, County Attorney

Steven R. Weems
Steven R. Weems

Pat Nutter
Pat Nutter

Received for Record..... May 6, 2016
at 9:15 o'clock..... A.M. Same day
recorded in Liber KPS No. 49
Folio... 260..... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith

SIDEWALK POLICY



Department of Public Works

Calvert County, MD

EX 00049 263

Calvert County Sidewalk Policy

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Purpose

This Sidewalk Policy is intended to provide Calvert County with a consistent procedure for evaluating the need and responsibilities for the construction, repair, maintenance, and cleaning of sidewalks located within the public right-of-way and/or easements of the County and State Roads outside of Municipal Corporations. The goal of this policy is to provide the citizens and guests of Calvert County with sidewalks and walkways that are safe and in a serviceable condition.

I. Sidewalk Requirements

Sidewalks are required on all publicly maintained streets within the Town Centers with some exceptions. Existing sidewalks shall be improved to meet current Americans with Disabilities Act (ADA) guidelines to the maximum extent practical. If special conditions make sidewalk construction infeasible, unnecessary, or undesirable, and such conditions have been verified by the County staff, the sidewalk requirement may be waived. Such waivers shall be granted upon written application to and approval of the Director of Public Works.

A. Requirements by Land Use

1. Developing Areas

Sidewalks are required on all publicly maintained streets within the Town Centers, except local industrial streets within an industrial park and on major roadways that have limited attraction and practicality for pedestrians as determined by the Director of the Public Works Department.

The cost for construction of all sidewalks in newly developing areas shall be paid for by the developer, builder, or property owner. The County will not participate in the cost.

2. Redevelopment Areas

Sidewalks shall be required in redeveloping areas in the same manner as in the “Developing Areas” when redevelopment occurs. Existing sidewalks shall be improved to meet current ADA guidelines to the maximum extent practical. The Director of the Public Works Department shall have authority to make this determination. Redevelopment is defined as issuance of a building permit for construction that equals or exceeds 50% of the assessed value of existing improvements as determined by the State Assessment Office.

The cost for construction of required sidewalks shall be paid by the developer, builder, or property owner. The County will not participate in the cost.

3. Existing Developed Areas

New sidewalks may be installed in existing developed areas by the:

a. Property Owner

Property owners may construct sidewalks along their property frontage at their expense. Sidewalks constructed by individuals' property owners shall conform to County design standards and will be inspected by the County at no expense to the property owner. The construction shall be reviewed and approved in accordance with all applicable laws, ordinances and regulations, including, without limitation, the Calvert County Erosion, Sediment Control and Grading Ordinance, and according to the current edition of the "Construction Standards for Roads, Streets and Incidental Structures" Standard Number RD-20A for a Standard Concrete Sidewalk or Standard Number RD-20B for a Concrete Paver/Brick Sidewalk. New sidewalks shall be constructed to meet current ADA guidelines and requirements.

b. Calvert County:

The County installs sidewalks at its expense under Capital Improvements Program to enhance the safety and convenience of pedestrians. Priority is given to continuous sidewalks that serve a higher number of pedestrians on more heavily travelled streets or where people walk to community centers, public facilities, or commercial establishments in the town centers. The County may also install sidewalks as part of a County funded street reconstruction/improvements or public building construction project or under a safety enhancement program for school children and their parents.

c. State Highway Administration (SHA)

The Maryland State Highway Administration (SHA), may install sidewalks under Md. Code Ann. Transportation Section 8-629. The SHA may require the construction of sidewalks along State highways for projects, including industrial, commercial, or apartment developments. The SHA does not maintain new sidewalks after construction and the maintenance shall be provided by the adjacent private property owner for industrial, commercial, institutional or residential developments.

II. Construction Standards

Sidewalks installed under this policy shall conform to County Construction Standards for width, location, finish, appearance, and structural quality.

A. Location

The location of sidewalks shall normally be determined during the subdivision and/or site plan approval process. Meandering sidewalks may be permitted by the Director of Public Works upon application and given circumstances of undue hardship.

B. Design

1. Standards

Except as may be required by the Calvert County Road Ordinance, other applicable laws or regulations or as a condition of approval, the construction shall be reviewed and approved in accordance with all applicable laws, ordinances and regulations, including, without limitation, the Calvert County Grading Erosion Sediment Control Ordinance, and according to the current edition of the "Construction Standards for Roads, Streets, and Incidental Structures" Standard Number RD-20A for a Standard Concrete Sidewalk or Standard Number RD-20B for a Concrete Paver/Brick Sidewalk.

Sidewalks and related sidewalk ramps shall conform to the Americans with Disabilities Act (ADA) requirements.

2. Materials

Sidewalks shall be constructed of the type of materials reflected in the individual Town Centers Master Plans but wherever there are no materials specified the sidewalks shall be constructed of concrete.

C. Installation

Due to the potential damage sidewalks can incur during the construction of homes and other buildings, sidewalks should not be installed until building work has been completed on individual properties. Sidewalks shall be constructed at time of roadway construction along frontages that will not provide property driveway access points. Exceptions may be made for streets that are without direct property access. The Director of the Public Works Department shall have authority to make this determination.

All required sidewalks shall be installed in accordance with this policy prior to final inspection or issuance of a Certificate of Occupancy.

III. Maintenance

Construction, repair, and/or maintenance of a sidewalk may become necessary due to damage/deterioration by multiple causes. Responsible parties for these repairs are outlined in this section. Except as provided herein, the County will not participate in minor repair or routine maintenance of sidewalks.

A. Repair and Replacement

1. County Responsibility

The County will pay for 100% of the construction, repair, and/or maintenance of a sidewalk, if so directed by the annual budget, due to damage/deterioration caused by:

- Damage/deterioration caused by the County during snow removal operations, not including damage/deterioration allegedly caused by the use of roadway salt by the County;
- An existing tree in the grass plot or strip within the county right-of-way;
- Damage/deterioration caused by a County system such as sunken sewer or water main trench in streets right-of-way.

When sidewalk repair is necessary due to an existing tree within the county right-of-way, the County will bear the entire cost of tree removal and disposal together with the entire cost of the construction, repair, and/or maintenance of the sidewalk. When tree is removed by the County it may or may not be replaced with a species more suited to a narrow grass plot or strip at the option of the County.

2. Property Owner Responsibility

The adjacent property owner will pay for 100% of the construction, repair, and/or maintenance of a sidewalk when necessary due to damage/deterioration caused by:

- Damage/deterioration caused by an existing tree on adjacent owner(s) property;
- Improper heavy loading onto the sidewalk;
- Damage/deterioration by any cause not otherwise stated within this section titled “Repair and Replacement”.

When sidewalk repair is necessary due to an existing tree on abutting owner(s) property, the property owner(s) will bear the entire cost of tree removal and disposal together with the entire cost of the construction, repair, and/or maintenance of the sidewalk.

3. Utility Company Responsibility

If construction, repair, and /or maintenance are necessary due to damage/deterioration caused by Utilities, the utility company responsible for that damage will bear the entire cost of construction repair and/or maintenance of the sidewalk. The utility shall remove and replace entire sidewalk to the next joint or cut neatly with a masonry saw and no patching will be permitted.

B. Snow Removal

It shall be the duty of the property owner(s) and/or occupant(s) of any abutting sidewalk to use diligence so as to remove snow, compacted snow, ice, dirt, or rubbish from the sidewalk. All owners and persons in possession of any land on any street within the County where sidewalks are laid shall remove the snow therefrom the entire length for a width of at least four (4) feet and may deposit the same snow along the remaining portion of such sidewalks nearest the curb within 24 hours after the snow event ceases, or within 72 hours after a significant snow event over 4 inches, with the exception of any sidewalks covered by easement and agreements with the County making it a County responsibility. In the event that the snow is not removed within the time and manner provided above, the County will follow the procedures outlined in the Enforcement section of the Sidewalk Policy.

IV. Enforcement

Sidewalks will be inspected by the County at no expense to the property owner in accordance with this section.

A. Inspections

1. Schedule

The engineering technician along with an inspector from the project management division shall be responsible for coordinating the scheduled inspection efforts. All sidewalks, curbs, and gutter located in the County shall be inspected on a schedule established by the Director of Public Works.

2. Criteria

Sidewalks, curbs, and gutter should be considered for repair and/or replacement if one of the following criteria is met:

- a. A half inch ($\frac{1}{2}$ ") difference or more in elevation i.e., street blocks, or portions thereof, whose edge differs vertically by more than $\frac{1}{2}$ ";

- b. Broken pieces i.e., broken pieces loose or missing;
- c. Depressions, reverse cross slope (sloping away from street), or below curb grade so as to impound water or mud;
- d. Excessive longitudinal slopes and abrupt change in the longitudinal slopes;
- e. Raveled surface i.e., the surface has spalled, leaving it rough, with coarse aggregate protruding;
- f. Cracks, deterioration, or alligating. Any block having a crack, or cracks, in it more than one-half (1/2") wide;
- g. Water stop and /or meter boxes, gas stop boxes etc., those are located within the sidewalk and not to proper grade, (more than 1/2" difference vertical or horizontal).

B. Penalties

Whenever, upon inspection of any property, the Director of Public Works, or his/her designee, finds that conditions exist which are in violation of this Resolution, notice of the violation shall be given the owner or occupant of the property by placing notice at the front entrance of any improvement upon the property. If a violation exists and the adjoining property is not improved, notice shall be posted upon placard that may be placed upon the unimproved property. Notice of Violation under this Resolution shall be in writing, state the nature of the violation and state the conditions or actions necessary to correct or abate the violation and the time and date by which such actions must be complete.

1. Repair and Replacement

Any person, firm, company, or corporation violating any provisions of this Resolution and not completing the actions required by Notice of Violation within the time specified, shall be guilty of a misdemeanor and each such person, firm, company, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of said Resolution is committed, continued, or permitted and upon conviction thereof shall be punishable by: (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred and fifty (\$250) for a second violation of the same provision within twelve months; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same provision within twelve months of the first violation. After the third violation, the fine may include the cost incurred by the County to repair the sidewalk on the property owner's behalf.

2. Snow Removal

Any person, firm, company, or corporation violating any provisions of this Resolution and not completing the actions required by Notice of Violation within the time

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specified, shall be guilty of a misdemeanor and each such person, firm, company, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of said Resolution is committed, continued, or permitted and upon conviction thereof shall be punishable by: (1) a fine not exceeding fifty dollars (\$50) for a first violation; (2) a fine not exceeding seventy-five dollars (\$75) for a second violation of the same provision ; and (3) a fine not exceeding one hundred dollars (\$100) for each additional violation of the same provision. After the third violation, the fine may include the cost incurred by the County to clear the sidewalk on their behalf.