

Chapter 109

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Commissioners of the Town of Thurmont 6-1-1961. Readopted as revised 1-8-1986 by Res. No. 85-6. Subsequent amendments noted where applicable.]

§ 109-1. Sidewalk, curbs and gutter specifications.

Whenever the grade, line and width of any sidewalks, curbs and gutters to be constructed in the Town of Thurmont have been established by the Commissioners of Thurmont (hereinafter called "the Commissioners"), the Commissioners shall give written notice of the same to the owners of the properties abutting such proposed sidewalks, curbs and gutters, specifying the materials with which said sidewalks, curbs and gutters are to be constructed.

§ 109-2. Property owner's responsibility.

Single-family-dwelling property owners will be responsible for the payment of sidewalks, curbs and gutters that front their properties. All other property owners (commercial, industrial, apartment, etc.) will be responsible for the payment of sidewalks, curbs and gutters that abut their properties.

§ 109-3. Notice of construction distributed.

Within 10 days after the date of delivery of such notice, or, if such notice is mailed within 10 days after the date of mailing such notice, each such property owner shall notify the Commissioners in writing whether he desires to construct and pave the sidewalk, curb and gutter on which his property fronts, or to have said construction and paving done by the Commissioners. In the absence of such written notification by the property owner, the property owner shall be deemed to have requested to have said construction and paving performed by the Commissioners.

§ 109-4. Construction requirements for property owners¹.

If any property owner shall elect to construct and pave the sidewalk, curb and gutter on which his property fronts, said construction and paving must be completed within 40 days after the date of the notice referred to in § 109-1 of this chapter. Such construction must be performed in accordance with the Commissioners' specifications and under the inspection and supervision of an agent of the Commissioners, and such construction shall be entirely at the expense of the property owner. If the work is not satisfactorily completed within the designated time by the property owner, the Commissioners may complete it at the property owner's expense.

§ 109-5. Construction by town; liability for costs.

Whenever any sidewalk, curb or gutter is constructed by the Commissioners in accordance with § 109-2 above, the full cost of each sidewalk and 90% of the cost of each curb and gutter shall be due and payable by the property owner 30 days after a statement thereof is mailed to him by the Commissioners. Such

¹Editor's Note: The provisions of this section were amended 3-24-1970.

charges shall bear interest, accounting from the date when such charges are due, at the same rate of interest at which the Commissioners of Thurmont may be able to borrow money from a lending institution in Thurmont on said date. If such charges are not paid when due, the Commissioners may enforce payment of the charges and the interest thereon by civil process.

§ 109-6. Publication of notice.²

In case the name or address of any owner of any property abutting on any sidewalk is unknown, then the notice referred to in § 109-1 shall be given by publication once each week for two successive weeks in a newspaper published in Thurmont.

§ 109-7. Grades and other specifications.

It shall be unlawful for any owner or occupant of land binding on any street, or for anyone performing work for such owner or occupant, to grade or pave any sidewalk binding thereon or driveway leading therefrom, or to construct, replace or repair any curb or gutter binding thereon, until he shall have made application to the Commissioners of Thurmont, or their duly authorized agent, and obtained a written permit, setting forth the proper grade, location, width and other specifications for such sidewalk, curb and/or gutter. Violation of this section is declared to be a municipal infraction. The penalty for violation shall be the sum of \$100.

§ 109-8. Repairs by property owners.

It shall be the duty of all property owners to keep the sidewalks and footways binding thereon in good and proper repair and at all times free of nuisances. Whenever, in the opinion of the Board of Commissioners, any sidewalk requires filling up, cutting down or in any manner bringing to the proper grade, or whenever, in the opinion of the Board of Commissioners, any sidewalk, or portion thereof, is out of repair and should be repaired or relaid, the Superintendent of Public Works shall notify the owner by notice in writing to repair or relay the same within 40 days from the date of such notice.

§ 109-9. Enforcement.

In the event the owner shall fail to perform the work required as provided for in § 109-7 within the time specified, the Superintendent of Public Works shall cause any such work to be done at the expense of the owner. In the event the owner shall fail to pay the cost thereof within 30 days after receiving a statement, the Commissioners may enforce payment of the charges by civil process.

²Editor's Note: The provisions of this section were amended 3-3-1971.