

Sec. 18.402. - Maintenance of sidewalks, driveways and sod.

- (A)** It shall be the duty and obligation of the owner of property abutting a public right-of-way to maintain the abutting sidewalk, driveway apron and sod or grass within the public right-of-way in such condition as to be safe for public use. However, if the sidewalk has been damaged solely by the roots of trees in the County right-of-way or by a County water or sewer construction project, then it shall be the responsibility of the County to replace or repair the sidewalk damaged by the tree roots or by the County water or sewer construction project.
- (B)** The repair of any sidewalk or driveway apron may be made after first obtaining a permit from the Department of Public Works, and the work shall be done in accordance with County standards.
- (C)** A property owner whose property abuts a public sidewalk in need of repair may request the Director of Public Works to do the required sidewalk repair or replacement at the property owner's expense.
- (D)** When the Director of the Department of Public Works finds public sidewalk, driveway apron or sod which needs repairs and is not safe for public use, it shall be his duty to give notice to the abutting property owner of the necessary repairs by sending a registered letter to the address of the owner shown on the current tax records in the office of the Director of Finance. The notice shall advise the property owners that they have a 60-day period from the date of notice in order to repair the sidewalk, driveway apron or sod. The notice to repair sent by the Director to the property owner shall also indicate that the Department of Public Works will do the work on the sidewalk at the property owner's request if the property owner agrees to pay the costs of the work. The notice shall advise the owner that he has the right to appeal the Director's decision to the Board of Appeals within 30 days of the issuance of the notice and shall explain the procedures upon failure to comply with the order or repair the sidewalk, driveway apron or sod.
- (E)** Any person aggrieved of the action of the Director with regard to subsection (d) shall have the right to appeal the action to the Board of Appeals, within 30 days from the mailing of the notice by the Director of Public Works to the property owner.
- (F)** If the property owner has not:
- (1) Repaired the sidewalk, driveway apron or sod within the 60-day period or within 60 days following a final decision on appeal; or
 - (2) Notified the Department of Public Works of intent to repair by exhibiting a signed contract or other proof satisfactory to the Department of Public Works; or
 - (3) Agreed to repair the driveway apron and/or sod and signed an agreement with the Department of Public Works to have the Department of Public Works do any necessary sidewalk work; The Director of the Department of Public Works shall order the work done and shall bill the owner of the property an amount equal to 100 percent of the cost of labor and material.
- (G)** Whenever the Department of Public Works repairs or replaces sidewalks at the request of the owner of the abutting property or does any repair because the owner has not complied with a notice to do so, the Department shall keep an accurate account of the costs of the work. The Department of Public Works shall provide the Director of Finance with a copy of the accounts.
- (1) Billing. Upon completion of the repair or replacement, the Director of Finance shall bill the property owner for the costs of the work.
 - (2) Payment. The property owner shall pay the bill for the work on the driveway apron or sod within 30 days of billing. The property owner may pay the bill for the sidewalk work within 30 days of billing or may pay the costs plus six percent annual interest in installments over a five-year period.
 - (3) Early repayment:
 - (i) A property owner who has elected to pay the costs of sidewalk repair or replacement over a five-year period may pay the entire outstanding balance plus interest to date at any time during the five-year period.
 - (ii) If the property owner sells or transfers the property, the outstanding balance plus interest to date shall become due and payable as of the date of transfer of the property.
- (H)** It shall be the duty and obligation of the owner of property abutting a sidewalk in a public right-of-way to remove snow from the sidewalk within 48 hours after the snow has fallen. In the case of a multiunit building with more than one occupant, it shall be the duty of the lessor to remove the snow unless the lessor has obligated a tenant who is actually occupying the property to do so. Any owner of property abutting a sidewalk in a public right-of-way, lessor of a multiunit building, or tenant obligated by the lessor, who fails to remove the snow from the abutting sidewalk within 48 hours after the snow has fallen shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than \$25.00 nor more than \$50.00. Alternatively or in addition to and concurrent with all other remedies, the Department of Public Works or the Police Department may enforce the subsection with civil penalties pursuant to title 24, "Civil Penalties," of the Howard County Code. A violation shall be a Class E offense.
- (I)** The term property owner as used in this subtitle includes any interest in property held by a condominium or homeowners' association.

(C.B. 4, 1970; C.B. 21, 1976; C.B. 32, 1985; C.B. 63, 1988; C.B. 105, 1989)