

Chapter 66 STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - STREETS AND PUBLIC PLACES

ARTICLE III. - CURBS AND SIDEWALKS

FOOTNOTE(S):

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State Law reference— Municipal powers concerning street, sidewalk, and sewer improvements, W. Va. Code, § 8-18-1.

ARTICLE I. IN GENERAL

Sec. 66-1. Street maintenance fee.

Sec. 66-2. Storing of privately owned vehicles prohibited.

Secs. 66-3—66-22. Reserved.

Sec. 66-1. Street maintenance fee.

- (a) The users of town services are hereby declared to be the occupiers of the premises abutting the streets and alleys of the town, whether as owners or tenants.
- (b) It is hereby imposed upon the property owners thereof a rate as established from time to time by ordinance per quarter.
- (c) Street maintenance fees shall be billed as part of the regular quarterly garbage billing. Said fee will be due and payable 20 days following the first day of the month of the quarterly billing.
- (d) The town will be reimbursed by the property owner for any and all costs incurred in the prosecution or collection of outstanding fees associated with this section.

(Ord. No. 98-05, 6-15-1998; Ord. No. 2007-03, 4-17-2007)

Sec. 66-2. Storing of privately owned vehicles prohibited.

- (a) To leave vehicles on a street, sidewalks of a public alley immobilized for a period of longer than 30 days within the town is prohibited.

(b) It shall be unlawful for any person to store any vehicle on the streets, sidewalks or public alleys within the town, except as part of normal use, i.e., parking/leaving a passenger vehicle in front of a persons residence.

(c) Privately owned vehicles in violation of this section are subject to daily fines of up to \$75.00.

(Ord. No. 2006-02, 7-3-2006)

Secs. 66-3—66-22. Reserved.

ARTICLE II. STREETS AND PUBLIC PLACES

Sec. 66-23. Designation of designated municipal officer.

Sec. 66-24. Work on streets to be under supervision of designated municipal officer.

Sec. 66-25. Placement of obstructions restricted.

Sec. 66-26. Closing of streets and sidewalks while undergoing repairs.

Sec. 66-27. Solicitation within the Town of Bath.

Secs. 66-28—66-55. Reserved.

Sec. 66-23. Designation of designated municipal officer.

The mayor shall, with the advice and consent of council, designate the designated municipal officer.

(Code 1981, § 11-501)

Sec. 66-24. Work on streets to be under supervision of designated municipal officer.

All work done on streets of the town shall be under the supervision and direction of the designated municipal officer.

(Code 1981, § 11-502)

Sec. 66-25. Placement of obstructions restricted.

(a) No materials such as are used in the repair or construction projects may be piled in or upon any public street, sidewalk or public place by any person without the permission of the designated municipal officer, and he may specify the manner and place where such material may be deposited, and require their removal upon completion of the work.

(b) Except as provided in subsection (a) of this section, it shall be unlawful for any person to obstruct any street, sidewalk or public place in the town by placing anything thereon or therein that will interfere with travel or the free use thereof for the purpose for which they are intended.

(Code 1981, § 11-503)

Sec. 66-26. Closing of streets and sidewalks while undergoing repairs.

The designated municipal officer may close any street or sidewalk in the town to the passage of pedestrians or vehicles when any work is being done or is to be done under the direction of the town authorities, while such work is in progress, and shall notify the police department and fire department of such closing.

(Code 1981, § 11-504)

Sec. 66-27. Solicitation within the Town of Bath.

The WVDOH does not issue permission for the purpose of roadway solicitation, nor condone this type of activity. It is the opinion that roadway solicitation is an obstruction to the easy, safe and convenient use of a public road, as defined by W. Va. Code § 17-16-1. Any organization or government entity conducting or condoning such an activity is assuming significant liability in the event of an accident and/or injury. Therefore, the Town of Bath intends to abide by this West Virginia State Code for the entire Town of Bath.

(Ord. No. 2014-05, 8-19-2014)

Secs. 66-28—66-55. Reserved.

ARTICLE III. CURBS AND SIDEWALKS

Sec. 66-56. Standards and specifications for construction, extension, repair and maintenance.

Sec. 66-57. Town may set line of curbing along streets.

Sec. 66-58. Sidewalks in residential areas.

Sec. 66-59. Repair of sidewalk by abutting owners; failure to repair.

Sec. 66-60. Driveways across sidewalks.

Sec. 66-61. Animals and vehicles prohibited on sidewalks.

Sec. 66-62. Prohibited accumulation of snow, ice and debris on sidewalks and removal thereof by town at expense of property owners.

Sec. 66-56. Standards and specifications for construction, extension, repair and maintenance.

Curbstones, curbing and sidewalks shall be constructed, extended, repaired and maintained in conformity with standards and specifications prepared by the designated municipal officer and approved by action of the town council entered upon its journal, a copy of which shall be maintained on file, in current status, in the office of the designated municipal officer and shall there be available to the public for inspection and use during all regular business hours.

(Code 1981, § 11-401)

Sec. 66-57. Town may set line of curbing along streets.

The town council may cause a line of curbing to be set or reset along any street, or any portion thereof, at the expense of the town.

(Code 1981, § 11-402)

Sec. 66-58. Sidewalks in residential areas.

In such residential portions of the town as may not be from time to time exempted from this provision by resolution of the town council, where a sidewalk is not less than ten feet in width, a grass plot 24 inches in width between the inside of the curb and the sidewalk proper may be sodded in lieu of paving; and where such sidewalk is less than ten feet and more than five feet in width, a grass plot 18 inches in width between the inside of the curb and the sidewalk proper may be sodded in lieu of paving thereon, margins shall be neatly sodded with grass by the owners of the adjacent lands.

(Code 1981, § 11-403)

Sec. 66-59. Repair of sidewalk by abutting owners; failure to repair.

All owners or agents of owners with property abutting and fronting upon any plaza, street, or alley within the corporate limits of the town are required to keep the public sidewalks immediately abutting their property in good order and repair. Each such owner shall be liable to the town for all losses to the town or recoveries from the town for damages to person or property of others caused by his failure or that of his agents to repair and keep in good order and reasonably safe condition all such sidewalks abutting and fronting his property upon any plaza, street, or all within the corporate limits of the town. The town may, at its discretion, through the street committee, notify such owner that repairs are necessary to put such sidewalk in good order and such owner shall, within ten days after such notification, under the supervision of the street committee, complete such repairs, as specified in such notice. If the persons to make the required repairs, the town may repair same and the owner shall be liable to the town for the cost of repairs. Failure by the town to notify a property owner of a dangerous sidewalk condition shall not excuse the owner from his duty to discover and correct such a condition himself.

(Code 1981, § 11-404)

Sec. 66-60. Driveways across sidewalks.

Any person desiring a driveway across the sidewalk of his premises shall cause the sidewalk to be paved with cement or other material designated by the designated municipal officer and shall, when required by the designated municipal officer, replace the curbstone that may be injured or destroyed by the use of such driveway.

(Code 1981, § 11-405)

Sec. 66-61. Animals and vehicles prohibited on sidewalks.

- (a) It shall be unlawful for any person to drive any vehicle or to ride, drive, or to lead any horse or other beast of burden along or across any sidewalk in the town, except upon such part of any sidewalk as may be made for crossing thereof.
- (b) It shall be unlawful for any person owning or having charge of a horse, cow, or mule to hitch such animal on, or to suffer any such animal to lie on, feed on, or befoul any sidewalk in the town.

(Code 1981, § 11-406)

Sec. 66-62. Prohibited accumulation of snow, ice and debris on sidewalks and removal thereof by town at expense of property owners.

- (a) No person shall permit the accumulation of snow or ice upon the sidewalk adjacent to any property owned or occupied by him within the town limits, but shall remove the same within 24 hours, each day that snow and ice accumulates thereon.
- (b) No person shall permit the accumulation of trash, debris or anything unsanitary upon the sidewalk adjacent to any property owned or occupied by him within the town, or within five feet of any such sidewalk.
- (c) Failure to remove accumulated snow, ice or debris from the sidewalk by the property owner, upon notice by the town, will be construed as being in violation of this section, punishable by a fine of \$100.00.
- (d) In addition to a fine, the town will remove said snow, ice and debris from the sidewalk and charge the property owner a fee of \$50.00 per person for said service.
- (e) The town will be reimbursed by the property owner for any and all costs incurred in the prosecution or collection of outstanding fees associated with this violation.

(Code 1981, § 11-407; Ord. No. 2007-02, 3-19-2007)