**TOWN OF BATH SIDEWALK AND PEDESTRIAN FACILITIES MAINTENANCE POLICY**

***Introduction***

The Town of Bath, West Virginia has public sidewalks that vary in age and in quality of condition. Not every mere inequality or irregularity in the surface of the sidewalk rises to the level of a defect. The town recognizes that some sidewalk conditions create unreasonable hazards for pedestrians and other sidewalk users.

The town has limited employee and financial resources and cannot reasonably replace all sidewalks needing replacement or repair in the same year the sidewalk is identified as needing replacement and repair. Sidewalk replacement and repair can be costly. Comprehensive sidewalk surveys are expensive and require the use of limited town personnel and other resources. Under appropriate circumstances, some or all of the cost of sidewalk replacement may be passed to the adjacent property owner.

Accordingly, the town and its Public Works Committee must exercise both discretion and professional judgment in determining whether and when sidewalks need to be replaced or repaired. The town expects that its agents, employees, and town officials will exercise discretion in identifying conditions requiring replacement and repair, in the scheduling of replacement and repair and in establishing priorities for replacement and repair.

***Sidewalk inspection procedures***

The Chair of Public Works Committee shall establish procedures for regular sidewalk inspection. Those procedures will include:

* A schedule for routine sidewalk inspections on a regular basis
* Criteria for determining whether a particular sidewalk condition is in need of replacement or repair. Those criteria will include, but not necessarily be limited to, a deviation or difference in elevation greater than 3/4 inch, as determined at the time of inspection.

***Sidewalk replacement and repair policy***

The Chairman of Public Works Committee shall annually establish a repair schedule. This schedule is subject to modification based both on sidewalk conditions and the availability of resources for sidewalk repair.

The sidewalk repair schedule will take into consideration and weigh the following factors:

* Sidewalk location and amount of pedestrian traffic
* Proximity of sidewalk identified as needing repair to other sidewalks also needing replacement or repair
* The nature and severity of the condition needing repair
* The town’s budget for repair of sidewalks
* Whether, or to what extent, the cost of repair can be recovered from adjacent property owners
* Availability of employees, equipment, and other resources for sidewalk repair
* Public safety
* History of prior accidents or complaints
* Schedules of independent contractors and work necessary to prepare bids and bid specifications if work is to be performed by independent contractors

***Sidewalk maintenance policy***

Town employees will be responsible for removing snow from sidewalks that abut town-owned buildings or parking lots. Adjacent property owners, including other public entities, are responsible for removing snow and ice from sidewalks that abut their property (see the Code of the Town of Bath, Chapter 66, Article III). The town may, as a public service and for reasons of public safety, remove snow and ice from sidewalks. The Chairman of Public Works Committee will identify sidewalks from which the town will remove ice and snow.

***Response to Resident Complaints and Concerns***

The Chairman of the Public Works Committee shall take the following actions in responding to complaints regarding public sidewalks and other public facilities of the town:

* Complete an accident/incident report.
* Inspect the sidewalk after the accident or complaint and document the inspection. The condition of the sidewalk before repair should be described in detail, photographs of the area should be taken, measurements completed, and a comparison made with the condition of the area at the last inspection on file.
* Determine if post-accident sidewalk condition constitutes a defective condition or warrants repair under the town’s policy.
* Determine whether to repair, take temporary action, or do nothing. If the town decides to do nothing, the town should state its reasons for doing nothing.
* Communicate with the injured party. The town can acknowledge the accident, but should not admit fault or liability. The town should inform the injured party what the town has done in the past (inspection and maintenance policy) and what it will do in the future in response to the complaint. Before undertaking repair, the town should consult its town attorney and notify in writing the injured person or their attorney.

***Review and modification of policy***

The Town Council may modify or clarify this policy at any time. Where the Town Council has delegated responsibility or authority to any town employee or official for development or implementation of any portion of this policy, that employee or official shall have full authority to modify that portion of the policy at any time.

***Review of policy***

The Chairman of the Public Works Committee will keep on file comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review and any other factors affecting the policy or its implementation.

***Effective date of policy***

This policy shall be effective as of September 4, 2018. Modifications of the policy shall be effective on the date said modifications are approved by Town Council resolution or the date town employee or official (with authority granted by the town council) has approved the policy modification or change.