

APPENDIX A

SIDEWALK AND CURB ORDINANCE CHAPTER XIV, ARTICLE III

Sec. 14-57. Sidewalk and curb installation on existing streets simultaneous with building construction.

(a) The owner of lands on which any structure is hereafter erected, fronting on presently accepted highways or streets in the town, shall install concrete sidewalks and granite curbs in accordance with the public improvement standards of the department of public works, if such installation is in conformance with the sidewalk and curb plan of the town as approved by the town planning and zoning commission. Said walks and curbs shall be installed concurrently with the construction of said structure except when, for good cause shown, the installation of either sidewalks or curbs is not advisable or desirable, then the planning and zoning commission may allow and/or require the owner of said lands to make a payment in lieu of the installation to the town. The planning and zoning commission shall not make its determination until it has received a recommendation from the director of public works on the advisability of installing the sidewalks and/or curbs. The director of public works shall make his recommendation no later than 20 working days from the receipt of the request for an opinion from the planning and zoning commission or its designated staff.

(b) When payment in lieu of installation is required, payments shall be in an amount based upon the prevailing costs of said improvements as determined by the director of public works. If a substitute material for granite curbing is required temporarily for good cause, the cost of the substitute material shall be deducted from the cost of the granite, and the balance will constitute the payment in lieu of installation.

(c) Payments in lieu of installation shall be deposited into a dedicated fund to be used solely for the installment of new sidewalks and curbs. A record of all property owners and properties subject to the payment in lieu of installation shall be kept by the planning department and said property shall not be liable for any fee or assessment for the installation of sidewalks or curbs in front of their property in the future.

(d) The planning and zoning commission shall prepare and adopt a sidewalk and curb plan for the town. The plan shall set forth the policies for determining where sidewalks and curbs would be installed; enumerate examples of what constitutes good cause for allowing or requiring payment in lieu of installation; and recommend priority locations for the extension or removal of sidewalks. The sidewalk and curb plan shall be reviewed and amended as appropriate every five years. The plan shall be so revised and adopted within six months of the adoption of this ordinance and every five years thereafter. Before adoption the plan shall be submitted to the board of directors for review and comment, and at least one public hearing shall be held.

(e) If concrete sidewalks, concrete curbs or granite curbs are in existence abutting the land on which any structure is hereinafter erected, fronting on presently accepted highways or streets in the town, the owner of such lands shall repair said sidewalks and curbs to the satisfaction of the director of public works or his designated representative. Existing bituminous curbs shall be removed and replaced with granite curbs.

(f) The building department shall affix a copy of this regulation to all building permits issued by it. (Code 1978, § 15-44)

(g) From the effective date of this ordinance forward, any previously granted deferments may be called by the board of directors, and the then owner of the property shall be required to pay the cost of said installation. Before calling a deferment the board of directors shall request a written recommendation from the planning and zoning commission and director of public works on the advisability of calling said deferment.

Adopted: July 22, 2003

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