

ARTICLE III
Sidewalks

§ 367-11. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings indicated:

APPROVED CONTRACTOR — A person or firm currently licensed by the Town of Newington to install and/or repair sidewalks.

COUNCIL — The duly elected legislative body of the Town.

PUBLIC SIDEWALK — That area along a public highway reserved and constructed for pedestrian traffic.

SUBDIVISION DEVELOPMENT PLAN — A plan submitted by a potential developer for development of a residential, commercial or industrial area to the Town Plan and Zoning Commission in conformance with the Subdivision Regulations of the said Commission.

§ 367-12. Permit for work required.

No person, except an approved contractor, shall construct, reconstruct, repair, alter or grade any public sidewalk in the Town without first obtaining a permit from the Town Engineer as provided by this article.

§ 367-13. Application for permit.

An approved contractor shall secure a permit for all construction, reconstruction and repair from the office of the Town Engineer prior to initiation of any sidewalk work. The permit will require the following information:

- A. The location of the work to be performed.
- B. The name and address of the party doing the work.
- C. A description of the work to be performed. (The Town Engineer may require plans to be filed with the application when new sidewalk construction is involved.)
- D. The estimated cost of the alteration.
- E. Such other information as the Town Engineer shall find reasonably necessary to the determination of whether a permit should be issued within the provisions of this article.

§ 367-14. Permit fees.

A permit fee to cover administrative and inspection costs of 1% of the total estimated cost of the work to be performed under the requested permit shall accompany the application. The minimum permit fee shall be as provided in § 225-1 of this Code. The permit fee may be waived by the Town Manager for all work to be performed under contract to the Town.

§ 367-15. Bond and insurance requirements.

Before a permit is issued, the following bonds and proof of insurance shall be filed by the approved contractor with the Town Engineer:

- A. Performance bond. A performance bond in the amount of \$5,000 shall be executed by the approved contractor and endorsed on forms furnished by the Town and shall cover the period January 1 through December 31 of a given year.
- B. Indemnity bond. A bond conditioned to protect and save harmless the Town from all claims for damages or injury to other persons by reason of such work.
- C. Insurance requirements. A proof of insurance certificate shall be furnished to the Town of Newington by the approved contractor covering the period January 1 through December 31 of a given year and shall include coverage as determined by the Town's Risk Manager.

§ 367-16. Preparation of specifications; compliance required.

The Town Manager shall cause to be prepared standard sidewalk specifications which shall be furnished to every applicant applying for a sidewalk construction permit. It shall be the duty of the Town Manager to cause all construction or repairs of sidewalks in the Town to be inspected and to enforce compliance with such specifications.

§ 367-17. Supervision of work.

All operations for which a permit is granted hereunder shall be under the direction and supervision of the Town Manager or such persons as he shall designate.

§ 367-18. Construction by property owner.

Any property owner within the Town who desires to construct public sidewalks may do so at his own cost, provided that:

- A. The property owner shall engage an approved contractor to construct said public sidewalk;
- B. The public sidewalk shall comply with the minimum standard specifications which may then be in force with regard to the construction of public sidewalks; and
- C. The public sidewalk shall comply with the line or grade, if any, determined by the Town Engineer for public sidewalks on that street or portion thereof.

§ 367-19. Maintenance.

- A. Generally. The owner or owners of any property which abuts or is adjacent to a public sidewalk shall be responsible for maintaining, as hereinafter required, that portion of the sidewalk which is adjacent to his property.
- B. Snow and ice removal. Such owner shall remove any accumulation of ice or snow within 12 hours after such snow and/or ice has ceased to accumulate, or within such period as the Town Manager may order, and if such owner shall fail to remove said accumulation of snow and ice as aforesaid, the Town Manager may cause the same to be done, the expense thereof to

be paid by the Town and charged to the owner. Upon the failure of such owner to pay such costs, the Town Manager shall within 30 days file a lien against the property affected. Such lien may be enforced and collected in the same manner as is provided by law for the collection and enforcement of tax liens. Until it is practical to remove ice, it must be temporarily sanded with an abrasive or chemical substance (excluding pure salt compound) in accordance with the requirements of this article.

- C. Obstructions; hazards. Such owner shall be responsible for maintaining such public sidewalk free from all obstructions or materials which may be hazardous to pedestrian traffic, such as dirt, sand, leaves, branches, grass clippings, rocks or any other materials. If such owner shall fail to maintain the sidewalk free from the accumulation of such materials, the Town Manager may cause the same to be done and may collect the cost thereof from said owner as above provided.

§ 367-20. Damage to sidewalk.

No person shall cause any damage to any public sidewalk in the Town. Any person causing damage to any public sidewalk shall be liable for the cost of repairing such damage in addition to any other liability.

§ 367-21. Financing of construction, reconstruction and repair.

The cost of construction, reconstruction or repair of any public sidewalk shall be borne as follows:

- A. The Town shall, when authorized by the Town Council, bear the total cost of sidewalk construction, reconstruction or repair.
- B. Unless specifically waived by the Town Plan and Zoning Commission, all subdivision developments shall have sidewalks along the street frontage of all lots, constructed in accordance with the Town specifications and installed at the expense of the developer, as a condition precedent to the acceptance of such proposed streets as public highways.

§ 367-22. Use regulations.

- A. No person shall use a public sidewalk in such a manner as to create a hazard to pedestrian traffic. No person shall cause a motor-driven vehicle, animal or any other type of object to travel along a sidewalk in such a manner as to create a hazard for normal pedestrian use.
- B. No person shall permit any automobile, cart, wagon or any other type of vehicle to remain standing on any public sidewalk.