

**Policy Title: Curbs and Sidewalks**

**Policy and Procedure Number: DECA 210**

**Adoption Date: September 23, 2003, Supplement #1 added June 9, 2009**

**Last Revised: June 1, 2010**

**Mayor and Council Endorsement Date: September 23, 2003**

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Sidewalks improve the livability of neighborhoods, are essential for persons with disabilities, and provide safe walking areas for school children. Sidewalks are recommended for all streets where pedestrian activity is anticipated.

Curbing streets protects pedestrians, defines the road edge, provides positive drainage control, prevents pavement edges from deteriorating, and clearly defines driveways and entrances.

Therefore, the City of Hagerstown Department of Engineering will utilize the following policy to provide guidance to obtain a practical yet complete sidewalk system in the corporate limits. Code Administration staff will follow Policy CA-225 for limited inspections related to Rental Licensing Programs. This is only a policy guide and does not constitute the law or code.

**A. Replacement of Existing Curbs and Sidewalks**

**1. Ordinance Requirement:**

Referring to Chapter 216 of the Code of the City of Hagerstown, "Sidewalks and curb along the public streets and thoroughfares within the corporate limits of the City shall be constructed and kept in a reasonable state of repair by the abutting property owner."

In addition, all work shall be in conformance with the details of the City of Hagerstown's "Public Ways Construction Standards" latest edition.

**2. When Notices Should Be Sent**

- a. Curbing shall be replaced when it is determined by the Department of Engineering that the curbing within the City right-of-way exhibits the following:
  - (1) is structurally damaged
  - (2) has a minimum face reveal of less than four inches, or three inches if the street is going to be milled prior to being overlaid
  - (3) leans towards or away from the street (more than 1" out of plumb), and is structurally damaged

2. If it is an isolated area, the Water Department will contract their patching contractor to do the work.

### **C. Manholes**

When a damaged sidewalk is encountered around a manhole, if it is a telephone manhole, a letter should be sent to Verizon or Bell Atlantic to make the repair, as they will not allow anyone else to excavate in and around their underground communication system.

If it is a sanitary sewer manhole, the Water and Sewer Department shall be contacted to determine if the damage was caused by Sewer Department activity. If it was caused by the Sewer Department, Items B1 or B2 (above) would apply and charged to a Sewer Department account.

### **D. Signs**

If sidewalk was damaged by installation or removal of street signs, the Department of Engineering or Code Administration shall contact the Supervisor in the Signal Department. If it was caused by a sign installation or removal, Items B1 or B2 (above) apply and charged to a Public Works account.

### **E. Street Trees**

Where street trees (defined as trees that are located within the sidewalk or between the curb and sidewalk) have created damage to the curb and/or sidewalk, the Department of Engineering or Code Administration inspector shall provide the location, street address, and nature of the problem (either by description or photograph) to the Public Works Manager. The Public Works Manager compiles a list of all street tree damaged curb and sidewalk. The Public Works Department or the Engineering and Inspections Department contract or will systematically make the appropriate repairs.

In all cases, when Code Compliance inspectors are filling out exterior checklists, if any of the above situations cause a sidewalk to "fail", the inspector shall note that the sidewalk does indeed fail, but note that the responsibility of the repair is with either the appropriate utility department or the homeowner. This would be determined after following the procedures listed above.

- (4) exhibits 1” or more vertical mismatch of joints. In these instances, ramping with a wedge of concrete to meet the lower curb is not acceptable. The owner constructing new curbing will create a full depth joint on his property and ramp to the existing lower curbing. The owner of the adjacent property will match to the full depth joint upon replacing his curbing.

Note: Stone curbing may be reused if structurally sound and retains shape to within ½” of normal surface plane, and may be reset per “Public Ways Construction Standards” detail.

- b. Existing sidewalk shall be replaced when it is determined by the Department of Engineering that the sidewalk exhibits the following:
  - (1) unused driveway entrances, or entrances that do not serve a driveway.
  - (2) vertically offset surfaces of sidewalk that is 1” or greater.
  - (3) transverse or longitudinal crack(s) 3/8” wide or greater.
  - (4) 25% or greater of surface is spalled, decayed, or delaminated.
  - (5) raised or settled slabs that traps water on the surface.
  - (6) settled below the top of the adjacent curb by 1½ ” or more.
  - (7) patching material on over 25% of the surface.
  - (8) holes or other defects/obstacles.
  - (9) excessive pitch exceeding 1” vertical in 1’ horizontal in transverse direction.
  - (10) grade transition slopes exist that do not meet Americans with Disabilities Act (ADA) grades and standards, and can be reasonably replaced to meet those standards.
  - (11) contains obstacles in the existing sidewalk that violate ADA 3’ clearance minimums (e.g., power poles, street signs, signal pole bases). Widening of the sidewalk or obstacle relocation may be required.

### 3. Time Periods for Compliance

- a. Along planned street overlay projects, the City should provide as much time as possible. Generally, this could be 12 to 15 months, unless conditions of “b” below are met,
- b. When the Inspector deems sidewalk as “hazardous”, based on criteria such as vertically offset joints greater than 1 ½”, documented pedestrian accidents, or complaints received from the public, then a maximum time to complete and abate the condition shall be 90 calendar days. The inspector shall mark in the field the hazard using spray paint or other warning devices.

4. **Penalty for Non-Compliance**

In the event that a sidewalk or curb within the corporate limits of the City of Hagerstown shall be determined by Department of Engineering to be in such a condition as to be detrimental to the health, safety, welfare or property of others, such condition shall constitute a nuisance. In the event that any person allows any nuisance as defined herein to exist on any premises or property within the corporate limits of the City, said person or corporation shall be provided written notice from the Department of Engineering as outlined in Chapter 216 of the City Code.

In the event that said nuisance is not abated within specified amount of time of receipt of such notice, such person or corporation shall be in violation of the City's Ordinance and shall be subject to the abatement procedures outlined in Chapter 216 of the City Code. Municipal infractions also apply per Chapter 216.

5. **Funding Assistance by the City**

The adjoining property owner shall fund the replacement work. The City shall endeavor to offer the following financial assistance programs:

- a. Provide CDBG financing in the form of loans or grants for income-eligible owner-occupied residents.
- b. Provide loans to qualified homeowners through the Maryland Housing Rehabilitation Program. This program addresses code violations and is administered by the Community Development department.
- c. Other programs when deemed appropriate by City Council.

6. **Tree Damage**

- a. Any curb or sidewalk damaged or displaced as a result of tree root from a tree located between the existing curbing and existing sidewalk, or within the sidewalk, will be replaced by the City of Hagerstown. In these cases, the City of Hagerstown reserves the right to replace the tree that caused the damage with a tree not prone to damaging root growth.
- b. Any curb or sidewalk damaged or displaced as a result of tree root from a tree located behind the existing sidewalk or on private property will be the responsibility of the property owner.

B. **Installation of Curb/Sidewalk Where None Exists**

1. **Ordinance Requirement**

Referring to Section 216 of the Code of the City of Hagerstown, "Sidewalks and curb along the public streets and thoroughfares within the corporate limits of the

City shall be constructed and kept in a reasonable state of repair by the abutting property owner.”

In addition, all work shall be in conformance with the details of the City of Hagerstown “Public Ways Construction Standards” latest edition.

**2. When Notices Should be Sent**

When a street overlay planned by the City of Hagerstown corresponds with the following priority list, notices shall be sent to property owners to install curb and/or sidewalk where none exist:

- a. Washington County Board of Education designated elementary school walk routes.
- b. Washington County Board of Education designated middle school walk routes.
- c. Washington County Board of Education designated high school walk routes.
- d. Walk routes to the 17 City parks and playgrounds.
- e. Areas where shopping areas interface with residential areas.
- f. Residential areas with incomplete or discontinuous sidewalks.

**3. Sidewalks Not Recommended at Following Locations:**

- a. Hagerstown Industrial Park
- b. Residential subdivisions built with open drainage (e.g., Londontowne) and annexed by the City
- c. Locations where one or more of the following physical or legal restrictions exist:
  - (1) slopes, bedrock ledges, trees (six inches in diameter or greater) or other obstacles (such as power poles or fire hydrants), that restrict the installation of new sidewalk in the public right-of-way.  
Whenever physically possible, in cases where obstacles cannot be moved, sidewalk should be constructed to avoid those obstacles. In certain extreme circumstances, the construction of a three foot wide sidewalk may be approved by the City Engineer or his authorized representative.
  - (2) the installation of new sidewalk results in a net loss of 20% or more of the usable yard area of an existing property (cut or fill)
  - (3) prior (documented) agreement
- d. Along streets where the rear of properties is the predominant lot orientation and when sidewalk exists on the opposite side of the street.

**4. Time Periods for Compliance**

Along planned street overlay projects, the City should provide as much time as possible. Generally this could be 12 to 15 months.

5. **Penalty for Non-Compliance**

In the event that said curb and/or sidewalk is not installed within specified amount of time of receipt of such notice, such person or corporation shall be in violation of the City's Ordinance and shall be subject to the procedures outlined in Chapter 216 of the City Code.

6. **Funding Assistance by the City**

The City will endeavor to provide the following assistance programs:

- a. MDSHA retrofit sidewalk grant funds (available for State-designated routes only).
- b. Community Development Block Grant (CDBG) funds to install sidewalks in areas specifically designated as "low-moderate" income areas.
- c. The City will fund storm drain upgrades required by the installation of curb and/or sidewalk.
- d. Other programs when deemed appropriate by City Council.

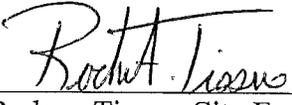
7. **New Street Construction**

Curbs and sidewalks shall be constructed along newly constructed public streets in conformance with the City of Hagerstown's "Public Ways Construction Standards" latest edition.

C. **Street Reconstruction Projects**

In 2010, the "Curb & Sidewalk Task Force" recommended that curb and sidewalk replacements that are part of larger street reconstruction projects continue to be the responsibility of the City. When the City determines that the entire street pavement, curb and sidewalks need to be replaced to complete this type of reconstruction, the City will continue to fund the cost of associated curb and sidewalk replacement.

Authorized and Approved by:

  
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Rodney Tissue, City Engineer

6/1/2010  
Date

## **SUPPLEMENT NO. 1 TO POLICY ON CURBS AND SIDEWALKS**

Over the course of inspecting properties in the City of Hagerstown, the Department of Engineering or Code Administration encounter a series of sidewalk-related issues that will be addressed by this policy supplement. It is our intent to improve the livability of neighborhoods and sidewalks are recommended and essential for pedestrian activity and safety. Therefore, the City of Hagerstown Department of Engineering or Code Administration staff will utilize the following policy to provide guidance on dealing with the issues that follow. This is only a policy guide and does not constitute the law or code.

### **A. Utility Poles**

During a sidewalk inspection, inspectors may encounter one of three situations as follows:

#### **1. Utility Poles Removed From Sidewalk**

In these situations, the Department of Engineering or Code Administration inspectors will contact City Light to determine if City Light removed the pole at this location. If City light did remove the pole, the patching contractor for the Water Department will be notified by Engineering to replace the sidewalk and the bill sent to the City Light Department.

#### **2. Verizon Poles Removed From Sidewalk**

Where a pole was removed by Verizon and the sidewalk not fixed, the City will have the patching contractor repair and bill Verizon for the sidewalk replacement.

#### **3. Where “private work” adjacent poles was completed (such as new risers), the Department of Engineering or Code Administration inspector will contact City Light. If City Light did not do the work, the inspector will endeavor to find out who did do the work and to send them a notice to repair the sidewalk.**

### **B. Water Meters/Valves/Hydrants**

When damaged sidewalk at water meters or hydrants is encountered, the Department of Engineering or Code Administration inspector shall contact the Water Distribution foreman. He will decide if the damage was caused by Water Department activity. If it is the responsibility of the Water Department, then two possible scenarios could apply:

#### **1. If the damage is part of an overall sidewalk area that is to be replaced by the property owner, the Water Department will make an appropriate monetary contribution to fix the area of damage sidewalk caused by the water system work.**

2. If it is an isolated area, the Water Department will contract their patching contractor to do the work.

#### C. **Manholes**

When a damaged sidewalk is encountered around a manhole, if it is a telephone manhole, a letter should be sent to Verizon or Bell Atlantic to make the repair, as they will not allow anyone else to excavate in and around their underground communication system.

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