

AN ORDINANCE AMENDING SECTION 11-404 OF CHAPTER 4 OF TITLE 11 OF THE CODE OF SHEPHERDSTOWN RELATING TO SIDEWALK REPAIRS

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Section 11-404 of Chapter 4 of Title 11 entitled "Repair of sidewalk by abutting owners; failure to repair" is hereby amended to read as follows:

Section 11-404 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 in tort for any bodily injury or property damage caused by the failure to keep the sidewalks in good order and repair, and should the Town be called upon to make such payment in damages to a third party, the Town will look to the adjoining/abutting landowners for contribution and indemnity. 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 person fails 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.

First Reading: November 12, 2002

Second Reading: December 10, 2002

Adopted: December 10, 2002