

AN ORDINANCE DELETING ARTICLE 905.002 OF THE CODE OF THE TOWN OF STAR CITY, AND AMENDING AND REENACTING ARTICLE 905.08 OF SAID CODE

WHEREAS, as authorized by W.Va. Code 8-12-5(4) and (5), the governing body may regulate the use and require the good order of real property adjacent to the public right of way; and,

WHEREAS, the Town has adopted as a municipal ordinance the 2018 International Property Maintenance Code (See: Star City Code 1781.01(1)(e); and,

WHEREAS, Section 302 of the 2018 International Property Maintenance Code includes general requirements for the maintenance of exterior property; and,

WHEREAS, these general requirements may be supplemented and explained with specific requirements enacted by the Town Council.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF STAR CITY, THAT ARTICLE 905.002 IS DELETED and ARTICLE 905.08 AMENDED AND REENACTED AS FOLLOWS (additions underlined, deletions strike-through):

~~905.002 GENERAL PROVISIONS.~~

~~A. Whereas, every occupant, owner or person of every house, shop, building, lot, parcel of land, or other property that adjoins or is abutting to or on a sidewalk in the Town of Star City shall be charged with the responsibility to keep such sidewalk in a good state of repair and free from defects and debris. Failure to maintain will result in the Town of Star City undertaking such repair or remedy and charging back to the property owner. On any claim presented for bodily injury or property damage on the sidewalk, the adjoining or abutting property owner shall be held liable in tort for such damages to another. Alternatively, should the Town of Star City be called upon to make such payment to a third party, the Town will look to the adjoining/abutting property owner for contribution and indemnity.~~

905.08 DUTIES OF OWNERS; LIABILITY FOR DAMAGES.

~~(a) In all cases where there has been heretofore established or where there is hereafter established, one or more sidewalks along any street or alley or part thereof within the Town, it shall be the duty of the owners or occupants of any house, ground, parcel, piece of land, or building fronting or abutting such sidewalks to pave the same and to keep such sidewalks in repair and to keep the same clean and free of disrepair or debris.~~

~~(b) Such property owners shall be responsible for any such sidewalk being out of repair. Failure to maintain sidewalks will result in the Town of Star City undertaking such repair or remedy and charging back to the property owner. If any person sustains an injury to his person or property by reason of any such sidewalk being out of repair, the adjoining or abutting property owner shall be held liable in tort for such damages to another. Alternatively, should the Town be called upon to make such payment to a third party, the Town will look to the adjoining/abutting landowner for contribution and indemnity.~~

- (a) 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 sidewalk, driveway approach, curb, gutter or appurtenance immediately abutting their property in good order and repair.

- (b) All persons who own real estate in the Town which abuts upon any sidewalk shall be required to keep that portion of such property which lies between the property line and the curb line of the adjoining street, and upon which the subject real estate abuts, in good and smooth condition and free from growing weeds and other obnoxious and unsightly vegetation or other things which would mar or detract from the beauty and cleanliness of the street upon which their property abuts. Any property owner who shall place or allow grass to grow upon the portion of the sidewalk lying between the property line and the curb line of the street and upon which his real estate abuts, shall keep such grass properly mowed and free from rubbish of all kinds. Grass shall not exceed eight inches in height.
- (c) Each such owner shall be liable to the Town for all losses to the Town or recoveries from the Town for damages to person or property of others caused by such owner's failure or that of such owner's agents to repair and keep in good order and reasonably safe condition all such sidewalks abutting and fronting such property upon any plaza, street, or alley within the corporate limits of the Town.
- (d) When a sidewalk, driveway approach, curb, gutter or appurtenance becomes defective, unsafe and hazardous, it shall be the duty of the owner of the abutting property to reconstruct or repair same. If, upon thirty (30) days of written notice by the Town of the deficiency, the owner 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 the duty to discover and correct such condition.
- (e) Each owner, lessee, tenant, occupant or person in charge of any real property within the Town, and each agent or representative of any such person, is hereby charged with responsibility for the maintenance and use of such real property in such manner that no use of, or activity or condition upon or within, such real property shall constitute a nuisance; and all such persons are hereby charged with the duty of observing all of the provisions of this article, but such responsibility shall not be construed to permit any other person not charged with such responsibility to commit or maintain any nuisance upon or within any real property in the Town.
- (f)

First Reading: June 18, 2024

Public Hearing/Second Reading: July 2, 2024

Official:  Mayor

Recorded: , Town Recorder