

How the Town of Branford Addresses Sidewalks:

Branford addresses sidewalks in 3 places – the Town Code, the 2008 Plan of Conservation and Development, and the Planning & Zoning Regulations.

The Plan of Conservation and Development

The general philosophy of the Town as expressed in the POCD is that the *“sidewalk system should be maintained and enhanced in order to provide more and better opportunities for people to get around”*

The POCD further states that *“Wherever gaps exist, they should be closed.*

And that *“Efforts to maintain and expand the sidewalk and path system should continue.”*

The Town Code (Ordinances)

The Town Code places authority to determine the location of new sidewalks on existing roads on the Board of Selectmen – *“The Board of Selectmen shall determine where and when sidewalks shall be installed on existing Town roads in the Town of Branford.”*

The Town Code vests implementation and enforcement authority in the Town Engineer – *“The Town Engineershall superintend construction and repairs and shall act as Sidewalk Inspector and Enforcement Officer.”* The Code does not directly vest authority to remove sidewalks with the Engineer.

The Town Code also addresses Obstructions and places enforcement authority with the Town Engineer – *“Every person owning any land, upon or adjacent to which there is a sidewalk, shall keep such sidewalk at all times in a safe and convenient condition for the use of the public and shall remove therefrom all obstructions in any way endangering or impeding the public travel upon the same.”*

Regarding repairs it dictates – *“Any substantial defect which may constitute a risk to public safety shall be reported by said property owner to the Director of Public Works. If deemed necessary, any repairs or replacement shall be the responsibility of the Town of Branford.”*

The Zoning Regulations:

The PZC Regulations address sidewalks only in regard to new subdivisions and developments. Existing roads and sidewalks are not addressed here.

Opinion about the SCA role regarding sidewalks:

Assuming that the Association embraces the Town's general philosophy on the importance of maintaining its pedestrian sidewalk system the SCA Board's most appropriate role would be to advocate to Town Officials for the enforcement of the Town's sidewalk ordinances at times when action is required – to the Board of Selectman when new sidewalks are recommended and to the Town Engineer when either enforcement or repairs are needed. The Association could use this course of action rather than taking the enforcement role upon itself in cases of significant encroachment.

Recommendations would therefore be:

1. The removal of existing sidewalks should be strenuously contested to the Town Engineer.
2. The construction of infill sidewalk to connect existing "gaps" should be advocated.
3. If the Association deems it desirable to add new sidewalks in the Creek that recommendation should be made to the Board of Selectman with the support of the District's RTM representatives.
4. If recommendations are made to the Town by the Association to change any aspect of the Creek's sidewalk system that should only be done after every adjacent property owner on the street where the change is proposed has been consulted.
5. The Association should press the Town Engineer to carry out enforcement of its ordinances where significant obstructions of sidewalks in the Creek (vegetative or otherwise) have been observed.

Code of the Town of Branford

Chapter 216. Streets & Sidewalks, Article V

§ 216-36_Installation on existing roads.

The Board of Selectmen shall determine where and when sidewalks shall be installed on existing Town roads in the Town of Branford.

§ 216-37_Specifications and enforcement.

The Town Engineer or his agent shall designate the required specifications for sidewalks, shall superintend all original construction and repairs and shall act as Sidewalk Inspector and Enforcement Officer.

§ 216-38_Financing.

Except as hereinafter set forth, the Town of Branford shall pay the entire cost of original installation of sidewalks from an annual capital improvement appropriation to be requested in the annual budget.

§ 216-39_Installation procedure.

A.

Citizens may request the Town Engineer to investigate the need for sidewalks, or the Town Engineer may suggest sidewalk construction proposals.

B.

Any property owner may apply for a permit to build a sidewalk on Town property, said application to be made to the Town Engineer. If with the advice of the Town Engineer, the Board of Selectmen finds that the sidewalk is not necessary, the Town will not pay the cost. Subject to the approval of the Board of Selectmen, the property owner may build the sidewalk at his own expense in accordance with the specifications of the Town Engineer.

§ 216-40_Bids.

A.

Preparation of bids. The Town Engineer will prepare the necessary engineering information upon which bids will be based, including grades, elevations, specifications for paving material, retaining walls, steps, curbs, driveways, loam, seeding, fill, guardrails and excavation, etc., to furnish an installation to the satisfaction of the Town.

B.

Competitive bidding. The Board of Selectmen will request competitive bids from contractors for the complete installation of sidewalks in each area designated.

§ 216-41 **Repairs and obstructions.**

[Amended 3-14-2001]

A.

Every person owning any land, upon or adjacent to which there is a sidewalk, shall keep such sidewalk at all times in a safe and convenient condition for the use of the public and shall remove therefrom all obstructions in any way endangering or impeding the public travel upon the same. Any substantial defect which may constitute a risk to public safety shall be reported by said property owner to the Director of Public Works. If deemed necessary, any repairs or replacement shall be the responsibility of the Town of Branford. Where driveways or other appurtenant uses are coincident with the sidewalk, any associated costs for repair or replacement over and above that of the basic sidewalk construction shall be the responsibility of the abutting property owner.

B.

All repairs to sidewalks shall be in conformity with such specifications as may be set by the Town Engineer from time to time.

C.

If, after notice, the property owner fails to comply with Subsection **A** hereof, the Board of Selectmen shall cause the same to be done at the expense of the property owner. Said expense shall be a lien upon the premises adjoining such sidewalk, and the Selectmen shall cause a certificate of lien to be recorded in the Town Clerk's office within 60 days from the incurring of such expense.

Plan of Conservation and Development – 2008

pg 80

Sidewalks and Pathways

The most significant aspect of the sidewalk system in Branford is that it supports the higher density areas. This sidewalk system should be maintained and enhanced in order to provide more and better opportunities for people to get around.

Wherever gaps exist, they should be closed. Efforts to maintain and expand the sidewalk and path system should continue.

Branford should also evaluate opportunities to create “Complete Streets” (see sidebar) to create a safe environment for motorist, bicyclists and pedestrians.

In conjunction with these efforts, the sidewalk ordinance should be reviewed (and updated if necessary). For example, the responsibility for maintenance of sidewalks and the repair of sidewalks should be clearly defined in residential and business areas.