

## **Alley Policy**

### **Introduction**

As part of the subdivision process, prior to and after the incorporation of the Town, certain alleyways were designated for the public use (see attached inventory).

The Town becomes legally responsible for the alleyways in the Town either through a formal resolution or by actual maintenance of them. The Town has accepted some of the alleyways by formal act or by virtue of having provided maintenance (i.e. paving, clearance of debris and hazards) at various times in the past. However, in July 1992, the Town adopted a policy of not maintaining most alleyways in the Town to preserve green space.

Generally, contiguous property owners have ownership of alleyways to the center point of the alleyway, but must provide a right-of-way for utility access and other lawful public purposes. Abandonment of alleyways as public rights-of-way by the town would grant full control of them to the contiguous property owners. While theoretically feasible, abandonment of an alleyway would require formal approval by the Maryland National Capital Park and Planning Authority and the various public utilities requiring access, as well as all the contiguous property owners.

Many of the alleyways have not been maintained by anyone for many years and in some cases, due to extensive growth of trees and foliage, their existence as alleyways is not apparent to casual observation. While there is some merit to more frequent vehicular access and recreational use of the alleyways, the Town made the decision in 1992 that less maintenance and more natural growth in the alleys was its preeminent policy. In addition to aesthetic considerations, this natural growth promotes a gradual stormwater runoff, noise abatement and less frequent foot and vehicular traffic. Thus, while there is a procedure to request a change, such change needs a sufficiently high standard to avoid unanticipated consequences.

### **I. Definitions**

**Alleyways** Those pieces of land within the Town boundaries that are platted rights-of-way dedicated for public use and are not regularly used by the public as thoroughfares.

**Maintenance Actions** performed either to place or keep an alleyway in a particular condition or to abate a nuisance.

### **II. Town Policy**

The Town ordinarily performs maintenance only on those alleyways or sections of alleyways necessary to provide Town services or to abate a nuisance. Otherwise, the Town performs no maintenance on alleyways unless an exception to this policy is granted as outlined below.

### III. Use of Alleyways by Residents

Residents/owners may make temporary changes (e.g., plantings or mowing) to the condition of any segment of the alleyway that is contiguous with their property out to the centerline of the alleyway. However, any such changes are subject to the interests of public utilities or of the Town and may not effect a permanent change (i.e. fences or paving, etc.), create a nuisance, or cause harm to adjacent property owners.

### IV. Exceptions Procedures

By application for a maintenance exception, any Town property owners may request that the Town perform maintenance on an alleyway or segment of alleyway that is contiguous to his/her property, subject to the following requirements:

- a. The request for a maintenance exception must be in writing, using the form provided by the Town and must specify the maintenance requested and the purpose of such.
- b. A majority of property owners who have property contiguous to the affected area must agree in writing to the proposed maintenance exception before the Town will consider it. Each subdivided lot is counted as one vote, regardless of the number of owners of such lot. Property owners are encouraged to consult with the Town Administrator prior to circulating any petitions to help assure that the written request provides sufficient specificity for the Town to make an evaluation and to determine the affected area.
- c. Requests will be evaluated by the Town Administrator as to costs, benefits and potential adverse impacts of proposed requests, including at least the potential for increased/decreased water runoff or increased/decreased traffic noise. If the Town Administrator determines that non-contiguous property owners along the alleyway would be affected by the proposed maintenance action, those affected owners shall be given an opportunity to indicate their position.
- d. Unless otherwise provided, if the maintenance exception involves purchase of bluestone, other material, or engineering services, the owners shall be responsible for the purchase and cost of materials which materials and services must be approved by the Public Works Director or his or her designee. On the form requesting alleyway maintenance, signatures must be obtained from all affected property owners indicating their willingness to either participate or not participate in the purchase of material or services, if such is required. If

the other requirements of this policy are met, the Town at its discretion may provide the labor and time for the maintenance at no charge to the owners.

e. A maintenance exception may only be approved or disapproved by the Mayor and Town Council or its designee(s) after consideration of the specifics of the site and of the following factors:

i. the public good;

ii. the fiscal impact of the maintenance and if it effects a permanent change, the future maintenance;

iii. the environmental impact of the maintenance;

iv. the number of affected owners who are in favor of the maintenance;

v. the impact on future use of the alleyway; and

vi. the impact on the Mayor and Town Council policy as to alleyways.

f. All requests will be referred to the Mayor and Council with a recommendation from the Town Administrator.

g. The Mayor and Council or its designee may approve, disapprove or approve with reasonable conditions a maintenance exception request based on the above criteria. If approved, a project will (a) if small enough, be incorporated into the work plans of the Public Works Department, or (b) otherwise be placed on a list maintained by the Town Administrator and incorporated into the budget planning process along with other public works projects.

h. Approval and completion of an alleyway maintenance exception by the Town does not commit the Town to ongoing maintenance of the designated alleyway unless specifically approved by the Mayor and Council. The approval of a maintenance exception may contain such reasonable conditions, time limits, etc. that serve the public good.

## **Documents**

[Alleyway Maintenance Request \(PDF\)](#)