

NEW YORK STATE DEPARTMENT OF STATE

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
Town of New Paltz
~~Village~~

Local Law No. _____ of the year 2019

A local law to amend the Code of the Town of New Paltz to Replace Article II, “Snow and Ice Removal” of Chapter 118, “Streets and Sidewalks.”

Be it enacted by the Town Board of the

~~County~~
~~City~~
Town of New Paltz as follow:
~~Village~~

Be it enacted by the Town Board of the Town of New Paltz as follows:

Section 1. AMENDMENT

Article II, “Snow and Ice Removal” of Chapter 118, “Streets and Sidewalks” of the Code of the Town of New Paltz is hereby REPEALED and the Code of the Town of New Paltz is hereby amended to add a new Article II, “Snow and Ice Removal” of Chapter 118, “Streets and Sidewalks” to read as follows:

§118-5. Definitions

The following words and phrases when used in this ~~chapter~~ **article** shall, ~~for the purpose of this chapter having~~ **have** the following meanings: ~~respectively ascribed to them in this chapter:~~

ABUT - A parcel of real property shall be deemed to abut a sidewalk which is located on an adjoining state, county or municipal right-of-way, notwithstanding that the property line does not cross or touch the sidewalk.

OCCUPANT - Any person who has lawfully entered upon and is in the possession of real property as a tenant, manager or person having charge of any building or lot of ground or any use thereof or who has in interest in the land which he possesses.

OWNER - Any person having legal interest in real property.

PEDESTRIAN - Any person making use of a sidewalk for foot passage.

PERSON - An individual, partnership, association, corporation, executor, administrator, trustee, guardian, receiver or other person having a legal interest in real property.

SIDEWALK - A walkway along the margin of a street or highway designed and prepared for the use of pedestrians, to the exclusion of motor vehicles.

TOWN: That portion of the Town of New Paltz lying outside the geographical boundaries of the incorporated Village of New Paltz.

§ 118-6. Removal of snow and ice required.

A. The owner or occupant of any real property, whether vacant or improved by any ~~buildings~~ **building or structure** abutting any sidewalk in the Town of New Paltz shall keep such sidewalk free and clear of snow and ice at all times.

B. Within ~~twenty-four (24)~~ **twelve (12)** hours after cessation of every fall of snow or the formation of any ice on the sidewalk abutting the premises, the owner or occupant shall remove or cause the same to be removed or cleared entirely from the **width of** said sidewalk **or** to a ~~minimum~~ width of 30 inches, **whichever is greater**. If the snow or ice shall be frozen so hard that it cannot practicably be removed, the owner or occupant shall, within the time above specified, cause the sidewalk to be covered and strewn with salt, ashes, sand or other dissolving or disintegrating material and shall, as soon thereafter as the weather will permit, thoroughly clean the sidewalk and remove the ice and snow therefrom.

C. Where a sidewalk has not been set aside along the margin of a street or highway adjoining that portion of business or commercial premises used for access and parking, including but not limited to individual stores, shopping centers and gasoline service stations, the owner or occupant shall clear a path at least 30 inches in width throughout the length of the premises free from snow and ice for use by pedestrians as a walkway in compliance with the provisions of Subsections A and B of this section.

D. The owner or occupant of any real property, whether vacant or improved by any ~~buildings,~~ **building or structure** in front of which or adjacent to which property there is a fire hydrant, shall cause snow to be removed for a distance of 30 inches around the hydrant and between the hydrant and the street and to keep the fire hydrant and access to the street free from snow throughout the winter.

E. The owner or occupant of any real property, whether vacant or improved by any ~~buildings,~~ **building or structure**, located at an intersection of two streets shall clear a path at the intersection at least 30 inches in width through any piles or accumulation of snow or ice on the sidewalk or street so as to enable pedestrian access from the sidewalk at the corner to the cleared portion of the roadway.

F. If snow or ice shall remain on a sidewalk and/or around a fire hydrant for more than ~~twenty-four (24)~~ **twelve (12)** hours after the cessation of snowfall or the formation of ice, the Town may provide for the removal thereof at the expense of the owner or occupant of the abutting premises. The charge to be collected

for the removal of snow or ice from a sidewalk or for covering the sidewalk with salt, ashes, sand, or other dissolving or disintegrating material shall be at the rate set annually by resolution of the Town Board (administrative fee) plus an amount set annually by resolution of the Town Board per linear foot for the length of the sidewalk cleared or treated by the Town on each such occasion. The charge to be collected for the removal of snow or ice from around a fire hydrant and between the hydrant and the street shall be at the rate set annually by resolution of the Town Board (administrative fee) plus a charge set annually by resolution of the Town Board per fire hydrant.

§ 118-7. Enforcement.

A. The Code Enforcement Officer of the Town of New Paltz is authorized to enforce this article by sending a statement to the owner or occupant of the premises cleared or treated by the Town on each such occasion together with a notice to appear in the Justice Court of the Town of New Paltz on a date and time specified in the notice to be given the opportunity to be heard regarding the charge to be imposed and to assert any objections thereto.

B. A notice shall be deemed sufficient if delivered to the owner or occupant in person or by certified mail to the property postal address and, if different, to the last known address of the owner appearing on the most recent tax rolls of the Town.

C. In the event the owner or occupant is found liable by the Court for the charge or fails to appear on the date and time specified in the notice and fails to pay the charge due within 10 days thereafter, the charge shall be a lien upon the premises abutting the sidewalk and shall be collected by the Town as an assessment upon said premises on the real property tax statements issued by or on behalf of the Town on the tax collection date next following as provided by law.

D. The collection of this charge shall not preclude the Town from pursuing any other civil or criminal remedies which may be available to enforce the violation of this article.

§ 118-8. Penalties for offenses.

A. Upon conviction for a violation of this article, a person shall be guilty of a violation as defined in Article 10, § 10.00, Subdivision 3, of the Penal Law of the State of New York, which shall be punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both.

B. For purposes of this section, each sidewalk abutting lands of an owner or occupant not cleared pursuant to this article shall constitute a separate violation. Each day upon which such prohibited activity occurs shall be deemed a separate violation,

C. In addition to the penalties above provided, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article.

Section 2: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its

operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. EFFECTIVE DATE

This Local Law shall be effective upon filing with the Secretary of State and upon the completion of the erection of appropriate signs in form, content and at locations required by law.