

TOWN OF NORTH CASTLE

Local Law No. ___ for the Year 2012

A local law to amend Chapter 175 (Streets and Sidewalks) to require the removal of snow, ice, dirt and other obstructions from a sidewalk and the repair of a sidewalk by property owners adjacent to a sidewalk.

Section 1. Create the following new Article III in Chapter 175 as follows:

ARTICLE III, SIDEWALK MAINTENANCE

§175-8 Removal of snow, ice, dirt, garbage and other obstructions.

The owner and occupant of premises abutting on any street where a sidewalk has been laid (hereinafter in this article referred to as the "owner" and "occupant") shall keep the sidewalk in front of such premises free and clear from snow, ice, dirt and other materials and obstructions and shall, within 24 hours after the snow ceases to fall or after the deposit of any dirt or other materials and obstructions upon such sidewalk, remove the snow, ice, dirt and other materials and obstructions from such sidewalk.

The owner and occupant of premises abutting on any street where a sidewalk has been laid shall empty all refuse and clean any garbage can located in front of such premises.

§ 175-9 Covering of snow and ice permitted.

In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement of such sidewalk, such owner or occupant may, within the time specified in the preceding section, cause such sidewalk to be strewn with sand or similar suitable material and shall thoroughly clean such sidewalk as soon thereafter as the weather shall permit.

Upon failure of such owner or occupant to comply with the provisions of § 175-8 and/or § 175-9 of this article, the Highway General Foreman may cause such snow, ice, dirt or other materials and obstructions to be removed or covered with suitable material and shall, in such event, forthwith file a report of the cost or expenses thereof with the Town Clerk. Said cost and expense, as the same shall appear from said report, shall be a lien upon the premises abutting said sidewalk so reported to have been cleaned or covered as aforesaid until paid, as provided in § 175-14.

§ 175-10 Authority of Board to require repair.

The Town Board may, from time to time, by order, require the repair of sidewalks along streets, roads, highways and parkways in the Town and, with the consent of the County Commissioner of Public Works or the State Commissioner of Transportation, as the case may be, abutting on a county or state highway, at the expense of the abutting owners or otherwise, upon such notice and pursuant to the authority of the requirements of § 130, Subdivision 4, and § 200-a of the Town Law of the state.

§ 175-11 Applicability to privately owned streets.

All sidewalks constructed along any privately owned street, highway or parkway of a new development shall be subject to these regulations and comply in all respects with the regulations covering Town roads.

Failure to comply with these regulations shall constitute sufficient cause for the Town to reject any dedication of such a street.

§ 175-12 Notice of order to repair.

- A. Whenever the Town Board adopts an order directing the abutting owners of the respective lots or parcels of land in front of which it is desired that sidewalks be relaid or repaired in accordance with this article, the Town Board shall specify the place, manner and time within which the repair shall be completed, which time shall not be less than 30 days from the adoption of the Town Board's order.
- B. The Town Clerk shall publish a notice of the Town Board's orders pursuant to Subsection A of this section, in a paper to be designated by the Town Board, at least twice, the first publication of which shall be at least 15 days before the time specified for the completion of the work, and he shall serve a copy of the notice by certified mail within five days of adoption of order upon the owner or owners and by first class mail upon the occupant or occupants of the land in front of which it is desired that such repair shall be done.

§ 175-13 Noncompliance by owner; payment of costs.

- A. Whenever a notice to repair a sidewalk pursuant to an order of the Town Board has been served upon an owner of a lot or parcel of land in front of which it is desired that sidewalks be relaid or repaired and the owner shall not cause the repair to be made to the sidewalk or curb as required by the notice, the Highway General Foreman is hereby authorized and directed to cause the repair to be made as required by notice.
- B. The Highway General Foreman is hereby authorized to perform such work or repair with his own forces, or cause a contract to be let therefor, and to pay for the work out of the funds to be appropriated by the Town Board for such purposes.

§ 175-14 Assessment of costs; collection.

- A. The Town shall be reimbursed for the cost of relaying or repairing any sidewalk when made by the Highway General Foreman pursuant to this article by the owner of the respective lot or parcel of land in front of which the repair was made, by assessment upon and collection from the lot or parcel of land termed benefited by the repair; so much of the actual and complete cost upon and from each lot as shall be in just proportion to the amount of the benefit which the improvement shall confer upon the property, as determined by the Town Board, and collected in the same manner and at the same time as other special assessment and ad valorem Town charges.
- B. Whenever expenditures are made by the Town for repairing sidewalks or removing from sidewalks ice, snow or other accumulations thereon, which under this article are assessable upon the land affected or improved thereby, the Board shall serve a notice of at least 10 days upon the owner or owners of such property, stating that such expenditure has been made, its purpose and amount and that at a specified time and place it will meet to make an assessment of the expenditure upon such land. The Board shall meet at the time and place in such notice specified. It shall hear and determine all objections that may be made to such assessment, including the amount thereof, and shall assess upon the land the amount which it may deem just and reasonable, not exceeding, in case of default, the amount stated in the notice. All the provisions of the Westchester County Tax Law covering the enforcement and collection of unpaid taxes and assessments, not inconsistent herewith, shall apply to the collection of such unpaid cost or

expense. In addition to the levy of the assessment, an action to recover the amount may be maintained by the Town against the owner or occupant liable therefor.

§ 175-15 Permit Required.

No sidewalk shall be constructed, repaired or work thereon commenced until the owner of the premises in front of which the sidewalk is to be constructed or repaired or the authorized agent of the owner shall have obtained a permit therefor. Applications for the permit required by this section shall be made in writing to the Building Department in such form as may be required by the Town Board. No permit required by this section shall be issued without the approval of the Town Engineer, endorsed on the application therefor, unless so directed by resolution of the Town Board.

Sidewalks construction details and sidewalk width shall be approved by the Town Engineer.

§175-16 Penalties for offenses.

Any person committing an offense against the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 175-17 Permit not required for contractors.

Whenever a sidewalk repair is made by contract let therefor by the Town Board, the provisions of § 175-15 shall not apply to the contractor for the work.

§ 175-18 Insurance required.

Each applicant for a permit required by § 175-15 must file an insurance policy or certificate with the Town Engineer insuring the Town in the sum of \$300,000 for personal injury and \$50,000 for property damages.

Section 2. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: _____, 2012