

DRAFT for INTRODUCTION

VILLAGE OF CHATHAM

Local Law No. __ of 2022

**A Local Law to Amend the Village Code
in Relation to Sidewalks**

[For introduction May 9, 2022]

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM AS FOLLOWS:

Section 1. Purpose and legislative intent.

The Village of Chatham recognizes that in the interest of public convenience and safety, it is necessary that sidewalks within the Village be promptly cleared of snow and ice, and that in order that such sidewalks be cleared throughout the Village in a timely manner, abutting landowners shall be held responsible for such prompt removal to the extent their property abuts a public sidewalk and subjected to penalties for failure to timely take the mandated action.

§ 2. Enacting authority.

This local law is enacted pursuant to the New York Municipal Home Rule Law and section 4-412 and other relevant provisions of the Village Law of the State of New York.

§ 3. Section 90-5 of Article II of Chapter 90 of the Code of the Village of Chatham is amended to read as follows:

§ 90-5 Duty to remove snow and ice. [Added 5-11-1989 by L.L. No. 2-1989; amended 1-22-2004 by L.L. No. 1-2004]

- A. It is the obligation of the owner of every parcel of real estate adjoining a public sidewalk in the Village of Chatham, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalk free from snow and ice for the full paved width of such sidewalk for the full length of such sidewalk abutting such owner's property.
- B. Snow and ice shall be removed within 24 hours after the end of a snowfall or after the snow has been deposited on such sidewalk.
- C. Severe icing. In the case that snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, the owner of the real property shall spread, or cause to be spread, sand, salt, sawdust, or other suitable material on the sidewalk within the time period specified under Subsection B above. As soon as is practical thereafter, the sidewalk shall be completely cleared of such snow and ice.

- D. An owner of real property who fails to comply with subdivisions A, B, or C of this section within the specified time frames shall be served with a notice to comply, which shall be issued by the Code Enforcement Officer.
- E. Service of the notice to comply in accordance with this article may be made by personal service to the owner or may be made by leaving a copy of the same at the premises. Service of a copy of a notice to comply may be made by the Code Enforcement Officer, a police officer, or any officer of the Village of Chatham.
- F. If the owner has failed to remove the snow and/or ice from the sidewalks or to cover ice with salt, sand or like material within 24 hours of the service of the notice to comply, the Village may have the snow and ice removed or the sidewalk sanded and salted. The failure of an owner of any real property to remove snow and/or ice from paved sidewalks or the failure to cover ice thereon with salt, sand, or like material in accordance with this article within 24 hours after such owner shall have been served with a copy of a notice to comply, shall be a violation.
- G. Violation of this section shall be punishable by a fine as follows:
 - (1) For a first violation in any calendar year: \$100.
 - (2) For a second violation in the same calendar year as the first violation: \$200.
 - (3) For a third violation in the same calendar year as the first violation: \$300.
 - (4) Each subsequent violation in the same calendar year as the first violation shall result in a fine of \$300.
- H. The Code Enforcement Officer shall mail notice of fines for violation under this section to the owner at the owner's address on file for the billing of real property taxes. If such a fine is not paid within 30 days of its mailing, the same shall become a lien upon the real estate adjoining the public sidewalk and shall be re-levied on the next Village real property tax bill.

§ 4. Effective Date.

This law shall become effective immediately upon filing with the Secretary of State.

END.