

“EXHIBIT A”

**VILAGE OF STILLWATER
LOCAL LAW NO. 2 OF 2013**

SIDEWALK MAINTENANCE

Section 1. Legislative Intent

The purpose of this local law is to promote the health, safety and general welfare of the community by requiring owners, occupants and persons in charge of lands abutting public streets and highways to maintain sidewalks adjacent to their properties in a safe condition. To accomplish this goal, the Village Board is exercising its authority under Municipal Home Rule Law §§ 10(1)(ii)(a)(6) and (12) and § 10(1)(ii)(e)(3), and any other applicable provision of law now or hereinafter enacted, in order to transfer liability for damage or injury to person or property as a result of the failure to repair and maintain sidewalks, and to remove snow, ice and obstructions or defects therefrom to the abutting owners and occupants of land.

Section 2. General Maintenance

Every owner or occupant of any house, building, structure, vacant lot, plot or parcel of land within the village, or any person in charge of or responsible for the maintenance thereof, shall keep the sidewalk in front or adjacent to said premises in good and safe repair. Sidewalks shall be left unobstructed at all times, with their surface in a safe and passable condition free from dirt, weeds, briars, debris, rubbish, encumbrance or obstruction of any kind or character.

Section 3. Snow and Ice Removal

Every owner or occupant of any house, building, structure, vacant lot, plot or parcel of land in the village, or any person in charge of or responsible for the maintenance thereof, shall, within 24 hours after snow ceases to fall, remove snow and ice from the sidewalks in front or adjacent to said premises and shall keep the full paved width of such sidewalk free from snow and ice, and in case snow shall be frozen so hard that it cannot be removed without injury to the pavement, shall keep the same covered with ashes, sand or other suitable material so as to enable persons thereon to walk with safety.

Section 4. Penalties for Offenses

A. Any owner or occupant of any house, building or structure, vacant lot, plot or parcel of land in the village, or any person in charge of or responsible for the maintenance thereof, who shall fail to keep the sidewalk in front or adjacent to said premises in good repair or who shall fail to remove snow, ice, dirt, weeds, briars, debris, rubbish, encumbrance or obstructions as provided shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$50. Each day on which such violation continues shall constitute a separate and distinct offense and fine.

B. Should there be damage or removal of all or part of an existing sidewalk, then the property owner shall be responsible for replacement or repair of the sidewalk to such standards as the Superintendent of the Village Department of Public Works shall require. Any replacement or repair work shall be completed within ninety (90) days. The Superintendent of the DPW may in his or her discretion exclude any dates between November 1 and March 30 from the computation of said ninety day period in consideration of impracticalities of construction work during the winter season. Failure to complete said replacement or repair work within ninety days shall be an offense subject to a fine in the amount of \$50 for each day the replacement or repair work remains incomplete after expiration of said ninety day period.

C. Whenever any such owner or occupant or responsible person in charge shall fail to keep the sidewalk in front of said premises in good and safe repair, or who shall fail to remove snow, ice, dirt, weeds, briars, debris, rubbish, encumbrance or obstructions as heretofore provided, the Building Code Inspector, Superintendent of Public Works, Village Clerk or any person empowered by the Board of Trustees may cause written notice to be served upon such persons requiring such act to be done and stating the time in which said action is required. If such person fails to perform within the time period specified, the village may cause such act to be done and the direct and indirect costs of repairing, replacing and/or remedying the sidewalk condition shall be made a lien on the real property. The property owner shall have ten (10) days from receipt of written notice to pay the amount due. In the event the owner fails to pay the amount due within said ten-day period, said costs shall be assessed against the real property in the same manner as a tax or assessment, to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes until such time as paid or otherwise satisfied.

D. Written notice upon a property owner as required herein shall be served either (1) personally or (2) by registered or certified mail, return-receipt requested, to such person's last address shown on the most current assessment role. Written notice upon an occupant or person in charge as required herein shall be served either (1) personally or (2) by registered or certified mail, return-receipt requested, to such person's post office box, and a copy of said notice shall be served upon the property owner in the manner heretofore provided.

Section 5. Notification of Defects

In no way shall this local law be interpreted to waive any prior written notice requirements under the Civil Practice Law and Rules, General Municipal Law, Village Law, or any other applicable law.

Section 6. Severability, Effective Date

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

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