

LOCAL LAW # 1 OF 1997

SIDEWALK REPAIR AND MAINTENANCE

I. SIDEWALK REPAIR AND MAINTENANCE

A. The owner of any real estate or lot fronting upon any sidewalk in the Village of Moravia shall be responsible for maintaining that sidewalk, and for making any necessary repairs and renovation to the sidewalk, to keep the sidewalk safe for ordinary pedestrian traffic.

B. The Village Superintendent of Public Works shall have the authority to issue written notices to property owners requiring that repairs or maintenance be performed on any sidewalk fronting that individual's property in order to bring that sidewalk in conformity with the requirements of this local law.

C. In the event that the property owner does not perform the required repair or maintenance on the sidewalk within 90 days of the date of written notice from the Village Superintendent of Public Works, then the Village may, at its option, either:

1. Perform the necessary repairs or maintenance itself using Village work crews; or
2. Hire an independent contractor to make the necessary repairs or perform the necessary maintenance.

D. If the Village takes action under either sub paragraph (C) (1) or (C)(2) above, all costs associated with that repair and maintenance shall be billed to the property owner, and if not paid by the property owner within thirty (30) days of invoice, shall be added to the property owner's Village Real Property Tax bill together with a ten (10) percent penalty, for collection with the regular Village Property Tax.

II. SNOW AND ICE REMOVAL

A. The owner of any real property situated within the Village of Moravia, and abutting any sidewalk in the Village of Moravia, shall remove all snow and ice therefrom each day. In the event that ice is too thick to be immediately removed, the property owner shall spread salt and/or sand or gravel or similar substances, on the sidewalk surface sufficient to ensure safe pedestrian travel over that sidewalk.

B. Any Village police officer, is authorized to issue a summons and simplified information against any property owner who fails to comply with the requirements of paragraph A above, under the following procedures:

1. Either the Village Superintendent of Public Works or any Village Police Officer may issue a written warning to a property owner, advising that property owner that snow or ice must be immediately removed from the sidewalks of the property.

2. That written warning may be delivered to the property owner by conspicuously affixing it to any door of the principal building on the property.

3. If the snow or ice have not been removed 24 hours after issuance of written notice as above, any Village Police Officer may issue a summons and simplified information alleging a violation of Section II.a. of this Law.

C. Penalties for violating this section shall be as follows:

1. Up to \$10.00 for the first violation committed within a one year period of time;
2. Up to \$25.00 for the second violation committed within a one year period of time;

3. Up to \$50.00 for the third or subsequent violation within a one year period of time;

D. In the event the property owner does not perform the required snow or ice removal on the sidewalk within 48 hours of the time of written notice from the Village Superintendent of Public Works, then the Village may, but is not required to, either:

1. Perform the necessary maintenance itself using Village work crews; or
2. Hire an independent contractor to perform the necessary maintenance.

E. If the Village takes action under either sub paragraph (D)(1) or (D)(2) above, all costs associated with that maintenance shall be billed to the property owner, and if not paid by the property owner within thirty (30) days of invoice, shall be added to the property owner's Village Real Property Tax bill together with a ten percent penalty, for collection with the regular Village Property Tax.

III. CIVIL LIABILITY

A. In the event that personal injury damages shall result from the failure of an owner or occupant to comply with the provisions of Sections I and II of this Local Law, the owner and the occupant shall be liable to all persons injured, or whose property is damaged directly, or indirectly thereby, and shall be liable to the Village to the extent that said Village is required by law or by any Court to respond in damages to any injured party.

B. The property owner's civil liability under this act shall continue notwithstanding the fact that the Village has undertaken repair or maintenance pursuant to section I(C) or II(D) of this Law.

IV. PRIOR ORDINANCES REPEALED

A. The provisions of Section 2 of Chapter Two of the General Police Regulations and of Section 1 of Chapter Four of the General Police Regulations of Streets and Sidewalks, having been superseded by the provisions of this Local Law # 1 of 1997, are hereby repealed.

V. AUTHORITY

The provisions of this Local Law are enacted pursuant to the General Police Powers of the Village.