

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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  Village  
(Select one.)

of Plattsburgh

Local Law No. 3 of the year 2015

A local law amending Chapter 233 Streets and Sidewalks Sections 233.30 -233.37 of the City Code of  
(Insert Title)  
the City of Plattsburgh

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Plattsburgh as follows:

City Code § 233.30 - § 233.37 is amended to read as follows:

**§233-30. Purpose.** The purpose of this section is to implement the provisions of the City Charter Article IV section C4-12, which imposes a duty on the owner of real property to remove snow or ice from public sidewalks adjacent to the owner's property. When a property owner fails to comply with the requirements of City law, this section provides a procedure for the City to impose a fine, and to remove snow or ice and recover the cost from the property owner. The purpose of this section is to effectively and fairly implement the duties imposed on by the City Charter.

**§233-31 Definitions.** The following words have the following meanings.

"Owner" is the person identified as the owner of the premises on the real property tax records maintained by the Assessor of the City of Plattsburgh.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**“Public Sidewalk”** refers to the sidewalk lying parallel to a city street and beyond the edge of the pavement of such street, whether located on private or public property, including intersecting sidewalks at street corners and mid-block crosswalks.

**“Sidewalk Median”** means a strip of land lying between the edge of the sidewalk nearest the street and the edge of the street pavement.

**Remove”** means to remove dry or loose snow, or where not possible, to remove snow and ice with a hand operated snow removal device. When, due to weather conditions, it is not possible to remove snow or ice with a hand operated snow removal device, the sidewalk must be covered in sufficient quantity by a substance to prevent slippery conditions and ensure safe passage by pedestrians.

#### **§233-32. Duty to Remove Ice and Snow**

It shall be the duty of the owner of a developed or vacant lot that adjoins a public sidewalk to remove snow and ice from such public sidewalk within 24 hours after public notice of the end of a snow or ice event. Except as provided herein, the entire width of the sidewalk shall be cleared, edge to edge, creating conditions that allow safe pedestrian travel and preventing any accumulation of ice and/or snow, or impenetrable ice/snow that is not treated to prevent slipping.

#### **§233-33 Exceptions to Duty to Remove Ice and Snow**

A. Where there is no sidewalk median, and the city plows deposit snow on a sidewalk with an average depth (along the length of the sidewalk) of more than 12 inches as a result of plowing the streets, the owner is exempt from removing such snow. The City will be responsible for removing the snow, but the owner shall resume responsibility for proper sidewalk maintenance after its removal.

B. When, due to weather conditions, it is not possible to remove snow or ice with a hand operated snow removal device, the sidewalk must be covered in sufficient quantity by a substance to prevent slippery conditions and ensure safe passage by pedestrians.

C. The exception to liability for snow removal costs shall not relieve an owner of liability for injuries to pedestrians using such sidewalk.

#### **§233-34. Owner and Occupant Responsibility**

The property owner has the sole legal obligation to remove snow and/or ice. If this duty is not performed, the property owner is liable for charges imposed by the City for removal of snow and/or ice. The property owner is not exempt from this duty, regardless of any agreement between property owner and occupant that assigns this responsibility to the occupant.

#### **§233.35 Removal by City-Notice to Owner**

If an owner fails to clear remove snow or ice within 24 hours after public notice of the end of a storm has been announced and is not otherwise exempt from removal as set forth above, City employees or City designated independent contractors will remove and/or treat the snow or ice. The City will charge the property owner for this operation, and recover the cost in accordance with the following procedures, and a fine will be imposed.

A. Notice of a code violation will be issued by one of the following agents: an Officer of the City Police Department, the Department of Public Works Department Head, the DPW Crew Supervisor, a Maintenance Supervisor, a Housing Code Inspector.

B. Notice of violation will be posted on the entrance door of the premises or other conspicuous place and a copy mailed to the owner.

C. The notice of code violation will serve as notice that the property owner is subject to a fine. In addition, notification will inform the property owner that the City intends to remove the snow from the sidewalk as soon as crews can be dispatched and that the owner will be responsible for covering that cost.

**§233.36 Collection of Fines and Snow Removal Costs: Levy of Unpaid Charges.**

A. The Common Council shall by resolution initiate a fine structure for residential and commercial properties.

B. The Common Council by resolution shall adopt a schedule of charges for snow removal, which shall include the cost of labor, equipment administrative time and expenses.

C. An invoice for fines and snow removal charges shall be sent to the property owner by first class mail to the property owner's address as listed on the City's real property tax records. Invoices shall be due and payable in full within 30 days of date of the invoice, and if not paid when due shall bear interest at 12% per annum until paid.

D. An invoice that is past due may be levied against the owner's property in the same manner as unpaid water and sewer charges.

**§233.37. Depositing Snow in Streets and on Another Person's Property.**

A. No person shall deposit snow from his property or a public sidewalk adjacent to his property, on a city street, or the property of another person.

B. The person who unlawfully deposits the snow shall be guilty of violating this section and will be given notice (as stated above) and charged for removal by the City.

C. The owner of the property from which the snow is removed may be found liable for the acts of his employees or independent contractors who violate this section.

D. A violation of this section shall be an offense punishable by a fine. The Common Council shall by resolution adopt a schedule for this fine.

E. This section will be enforced by an appearance ticket issued by one of the following: a Police Officer, the Department of Public Works Department Head, DPW Crew Supervisor, a Maintenance Supervisor, or Housing Code Inspector.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. <sup>3</sup> \_\_\_\_\_ of 20 15 of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh was duly passed by the Common Council on 15 October 20 15, and was (approved)(~~not approved~~) (repassed after disapproval) by the Mayor and was deemed duly adopted on 15 October 20 

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, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

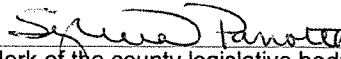
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/19/2015

(Seal)