

(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 of Cooperstown

Town

Village

Local Law No. 17 of the year 2014

A local law regulating construction, maintenance and clearing of sidewalks; parking and driving prohibited  
(Insert Title)

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County

City of Cooperstown as follows:

Town

Village

**BE IT ENACTED by the Village of Cooperstown as follows:**

**SECTION 1: Purpose and Intent; Authority** - This local law sets forth requirements for the use and maintenance of sidewalks in the Village of Cooperstown in order to protect the public health, safety, and general welfare by providing safe walkways for pedestrians along streets and roads in the Village. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law.

**SECTION 2: Construction, Maintenance and Clearing of Sidewalks; Parking and Driving Prohibited**

- A. Construction - Within the Village of Cooperstown construction of sidewalks where they do not currently exist may be required as a condition of zoning review for new or modified development. Once installed by a property owner or the Village, sidewalks must be maintained consistent with this Local Law. Any public sidewalks that are located within the Village shall be constructed, reconstructed, and repaired in accordance with standards set by the Public Works Department.
- B. Maintenance and repair – The Village, in its absolute discretion, may repair, maintain, replace, and reconstruct sidewalks within or adjoining the public right of way. Damage to sidewalks caused by other than normal use shall be repaired by the party causing the damage in accordance with standards set by the Public Works Department. Damage not repaired within 21 days may be repaired by the Village at the expense of the party causing the damage.
- C. Sidewalk Removal – Sidewalks may be removed only in preparation for replacement unless removal is approved by the Board of Trustees.
- D. Snow and ice removal –
  - 1. Duty of Property Owner. It shall be the duty of the owner of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice for the full paved width of such

sidewalk. Property owners in the business district where pavers have been installed will be responsible for keeping the eight (8) foot wide concrete sidewalk free from snow or ice, or where pavers do not exist in the business district a five (5) foot width of sidewalk free from snow and ice.

2. Time Limit. Snow and ice accumulation shall be removed within twenty-four (24) hours after the end of a snowfall. In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 9:00 A.M. and 5:00 P.M.
  3. Severe Icing. In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified above, be strewn and kept strewn with sand, sawdust, or other suitable material, so as to be no longer dangerous to life and limb. As soon as practical thereafter, the sidewalk shall be completely cleared of snow, ice, and other materials strewn thereon, as provided in this local law.
  4. De-icer. No sodium chloride (rock salt) shall be applied to public sidewalks. Deicers shall be labeled safe for concrete use.
  5. Removal of Snow and Ice Accumulation by Village. Whenever the owner of a parcel of real estate adjoining a public sidewalk fails to remove the snow and ice accumulation from such sidewalk adjoining such property within the time specified in this local law, it shall be the duty of the Superintendent of Public Works to determine a violation and the Public Works Department to remove said snow and ice and notify the Superintendent of Public Works of the amount of labor, equipment, and materials used.
  6. Treatment of Severe Icing by Village. In the case of severe icing, notification of the adjoining property owner is required to allow for the ice to be strewn or removed before work by the Village progresses. Twelve (12) hours following written notice by the Superintendent of Public Works delivered to the address where the icing has occurred, it shall be the duty of the Superintendent of Public Works to determine a violation and the Public Works Department to treat and/or remove said ice and notify the Superintendent of Public Works of the amount of labor, equipment, and materials used.
  7. Depositing on Streets. No person, firm, or corporation shall deposit, throw, place, or strew, nor shall any person, firm, or corporation cause to be deposited, thrown, placed, or strewn, any snow or ice upon any street, avenue, or roadway, within the Village.
  8. Placing of Snow and Ice on Another's Property. No person, firm, corporation, property owner, or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate upon which the snow or ice is to be placed.
- E. Trees and shrubs – The owner of premises abutting any street or road where a sidewalk has been laid shall keep the sidewalk free from obstruction by plants, shrubs, and tree limbs. Tree limbs lower than seven (7) feet must be trimmed from the sidewalk. No plants, shrubs, or trees may impede passage on the sidewalk.
- F. Snow, Ice, and Water Falling from Buildings – The owners of buildings adjacent to public sidewalks shall take measures to protect the public from the falling snow, ice, or water from such buildings.
- G. Parking Prohibited – No unauthorized motorized vehicle of any kind, including but not limited to automobiles, trucks, trailers, motor homes, motorcycles, snowmobiles, and all-terrain vehicles, shall be parked or stopped on any sidewalk within the Village at any time.

- H. Driving Prohibited – No unauthorized motorized vehicle shall be operated on any sidewalk within the Village. Vehicles equipped with snow removal equipment may be used to remove snow from concrete or asphalt sidewalks only with the permission of the Superintendent of Public Works.

### **SECTION 3. Noncompliance; enforcement**

- A. When the Village removes snow or removes or treats ice on a public sidewalk because such as not been removed/treated by the adjoining property owner within the time frame specified above, the charge to the owner shall be \$100 or the expense incurred, whichever is more. The Village Treasurer shall promptly present to the owner a bill for the removal of snow and ice as certified by the Superintendent of Public Works. If not paid within thirty (30) days, the cost thereof shall be assessed against the property, added to their tax bill and become a lien thereon, collectible in the same manner as delinquent Village taxes.
- B. A violation of this Chapter by parking on a sidewalk shall constitute a violation punishable by a fine not exceeding \$100 for the first offense; the penalty for additional offenses shall be as set forth in Section 1(3).
- C. Except as set forth above, failure to comply with any of these regulations shall constitute a violation punishable by a fine not exceeding \$250 for the first offense; \$350 or imprisonment for a term not exceeding 15 days, or both, for the second offense; and \$450 or imprisonment for a term not exceeding 15 days, or both, for the third and any additional offenses.
- D. Nothing herein shall prevent a civil action to recover costs incurred by the Village of Cooperstown for any and all damages including but not limited to those done to public sidewalks (including those constructed of pavers); street trees and plantings; and street furniture, such as fences, benches, signage, and lampposts.

**SECTION 4. Severability.** The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**SECTION 5. Repealer.** All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

**SECTION 6. Effective Date.** This Local Law shall take effect upon filing in the office of the New York State Secretary of State.