

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 of Burdett
Town
Village

Local Law No. 1 of the year 20 14

A local law to Establish Regulations for Sidewalks within the Village of Burdett

Be it enacted by the Board of Trustees of the

- County
City of Burdett as follows:
Town
Village

- 1. This Local Law shall be known as the Sidewalk Law of the Village of Burdett.
2. The purpose of this law is to regulate the use, maintenance, repair and replacement of sidewalks within the Village of Burdett, and to establish liability for injury to persons or property resulting from failure to keep sidewalks in good repair.
3. Any sidewalk, or section of sidewalk, which has been installed or replaced, either by the NYS Department of Transportation, or by the Village of Burdett, within the 20 years preceding the effective date of this Local Law, shall henceforth be the responsibility of the property owner to repair, maintain, and replace, if necessary.

(If additional space is needed, attach pages the same size as this sheet, and number each.) Pages 1A, 1B and 1C are attached.

4. Any sidewalk or section of sidewalk, which needs to be repaired or replaced, but which has not been installed by the NYS Department of Transportation, or by the Village of Burdett, within the preceding 20 years, shall be the responsibility of the Village to repair or replace, if necessary. However, once such installation or replacement has occurred, the responsibility will thenceforth lie with the property owner.

5. The term "property owner" as used in this Local Law refers to the person or persons whose real property abuts any public street along which there runs a sidewalk, or any portion of a sidewalk. The term "property owner" includes corporations, trusts, estates, partnerships, or any other legal entity having ownership of any real property subject to this Local Law. In the case of multiple owners, each shall be jointly and severally responsible for compliance with this Local Law.

6. In the event a property owner desires, or is required or ordered, to replace a sidewalk, or any portion of a sidewalk across his, her or its property, then such replacement shall conform to the following standards:

Width of 5 feet, thickness of 4 inches, scored at 5 foot intervals with expansion joints every 20 feet. The finished concrete is to be picture-framed and sealed. Concrete will be 4000# psi with fiber mesh reinforcement. The new sidewalks will have a $\frac{1}{4}$ inch per foot sloping toward the pavement. A minimum of 4 inches of modified gravel will be used to reach existing grades for sidewalks. The edges of the sidewalk are to be filled with a minimum of 4 inches of topsoil, seeded and mulched.

In the event deviation from these standards is desired or is necessary due to obstructions, topography, or other difficulty or concerns, then a request for consideration of such deviation shall be brought to the attention of the Board of Trustees. Any such deviation shall be approved at a public meeting, and confirmed in writing, prior to the commencement of any work.

7. All work on sidewalk replacement, repair or installation, including removal of old sidewalks or sections thereof, excavation, framing, pouring of concrete, finish work, etc., shall be under the supervision of a representative of the Village of Burdett. It shall be the responsibility of the property owner to maintain the area

in a safe manner, including appropriate signage, warnings and barriers, until all work has been completed. All work, once commenced, must be completed within 7 days.

8. Said sidewalks, when completed, shall be subject to inspection and approval by the Village of Burdett through its designated agents and until so approved, the property owner shall not have fulfilled his, her or its duties under the terms of this Local Law. Within 5 days of completion, the property owner shall so notify the Village of Burdett, and shall request a final inspection and approval of the sidewalk.

9. Notwithstanding any of the above, the owner of any real property situate in the Village of Burdett, across or in front of which any sidewalk or section of sidewalk has been constructed or exists, shall be responsible to keep such sidewalk clean and free from filth, dust, mud, leaves and debris, and shall also remove, within a reasonable time after cessation of inclement weather, all snow and ice which may obstruct a safe and convenient passage thereon or endanger any person, so that such sidewalk will be kept free and clear of all filth, dust, mud, leaves, debris, snow and ice.

10. The Codes Enforcement Officer of the Village of Burdett shall have the authority to enforce any of the provisions of this Local Law, including the determination whether a sidewalk, or any portion thereof, has become so unsafe as to require repair or replacement. In the event any property owner shall fail to comply with a lawful Order to Remedy issued by the Codes Enforcement Officer, within the time for compliance specified therein, such property owner shall be subject to prosecution for a violation of this Local Law, and shall be liable for such penalties as may be prescribed by the Penal Law of the State of New York for a Violation.

11. In addition to, or in lieu of, the penalties described above, the Village of Burdett shall have the authority to direct that the sidewalks be cleaned, or repaired or replaced, or that any obstruction of snow or ice be removed. The reasonable cost of same, together with a \$50.00 per incident civil penalty, shall be promptly billed to the property owner, and if not paid within 60 days thereafter, the Village of Burdett shall have recourse to any civil remedy.

12. Nothing contained herein shall relieve any owner of real property from his, her or its responsibility to keep the public sidewalks fronting on or crossing his, her or its property, at all times free and clear of ice, snow,

filth, dust, mud, leaves and debris, and in a reasonably safe condition. The property owner shall at all times be solely liable for injury to persons or property resulting from his, her or its failure to comply with the provisions of this Local Law, or any failure to exercise common law standards of care.

13. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

(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. 1 of 20 14 of the ~~(County)(City)(Town)~~(Village) of Burdett was duly passed by the Board of Trustees on May 19 20 14, 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. _____ 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 _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(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 _____.
(Name of Legislative Body)
(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.
(Name of Legislative Body)
(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 1, above.

Naomi C. Kingsley

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

(Seal)

Date: May 19, 2014

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SCHUYLER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]

Signature Village Attorney

Title _____

~~County~~
~~City~~ of Burdett
~~Town~~
Village

Date: May 19, 2014