

TOWN OF WALWORTH
NOTICE OF PUBLIC HEARING

LOCAL LAW NO. 8 OF 2023 TO AMEND THE WALWORTH TOWN CODE TO
ADDRESS THE REMOVAL OF OBSTRUCTIONS, SNOW AND ICE FROM
SIDEWALKS

PLEASE TAKE NOTICE that a proposed Local Law is under consideration by Town Board of the Town of Walworth, New York, designated as Local Law No. 8-2023 to Amend the Walworth Town Code to Address the Removal of Obstructions, Snow and Ice from Sidewalks in Town.

PLEASE TAKE FURTHER NOTICE that said local law seeks to delineate responsibility for the removal of obstructions, snow and ice from public sidewalks to abutting owners/tenants, etc.

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file at the Walworth Town Clerk's Office located at 3600 Lorraine Dr., Walworth, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that a public hearing upon said proposed Local Law has been scheduled for the **16th day of November, 2023, at 6:30 PM**, to be held at Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY. An opportunity to be heard in regard thereto will then and there be given to members of the public. Written comments may also be directed to the Walworth Town Clerk, Walworth Town Hall, 3600 Lorraine Dr., Walworth, NY.

Dated: October 26, 2023
BY ORDER OF THE
WALWORTH TOWN BOARD
Aimée Phillips
Town Clerk

LOCAL LAW NO. 8 OF 2023 TO AMEND THE WALWORTH TOWN CODE TO ADDRESS THE REMOVAL OF OBSTRUCTIONS, SNOW AND ICE FROM SIDEWALKS

BE IT ENACTED, by the Town Board of the Town of Walworth, Wayne County, State of New York, as follows:

Section I. Authorization and Supersession

The adoption of this Local Law is in accordance with Section 10 of New York Municipal Home Rule Law. It is the intent of the Town Board to supersede any provisions of the New York State Law, including New York State Town Law and Highway Law, to the extent that they may be inconsistent with the provisions of this Local Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 8 of 2023 to Amend the Walworth Town Code to address the removal of obstructions, snow and ice from sidewalks, and its purpose is to add provisions to the Code relative to the removal of obstructions, snow and ice from sidewalks in the Town of Walworth.

Section III. Legislative Intent and Finding

The Town Board of the Town of Walworth finds that it is reasonable and appropriate to update and amend Town of Walworth Code to add provisions thereto relative to the removal of obstructions, snow and ice from sidewalks within the Town, including delineating responsibilities of owners and tenants for the removal of obstructions, snow and ice from abutting sidewalks all in order to clearly identify and manage responsibility and liability for the same.

Section IV. Amendment / Substantive Legislation

The following provisions are hereby enacted at Chapter 142 of the Walworth Town Code, which Chapter is hereby established, and which Chapter and provisions shall read as follows:

Chapter 142 – Sidewalks, Snow and Ice

1. Responsibilities of Owners and Occupants.

Each owner, lessee, tenant, or occupant of any house, building or lot, whether vacant or improved by any building(s), and any person or entity having charge of any public building, shall keep any sidewalk abutting or otherwise in front of or fronting such house, building or lot, free from obstructions, including keeping such sidewalk(s) free from snow, ice and icy conditions.

2. Snow and Ice Removal.

Within six hours after cessation of snowfall or the formation of any ice on the applicable sidewalk, snow and ice shall be removed or cleared from the applicable sidewalk(s). The time between the hours of 7:0 p.m. and 6:00 a.m. shall not be included in the above period of time.

In case the snow or ice shall be frozen so hard that it cannot practically be removed without damaging the pavement, said sidewalk shall be covered and/or strewn with sand or some similar material and shall, as soon thereafter as the weather will permit, thoroughly be cleaned and said ice and snow removed therefrom.

In the event that obstructions, including snow and ice, are removed from public sidewalks by the

Town of Walworth, the responsibilities of owners and occupants as set forth at Section 1 hereof shall continue and remain, and shall not be waived, including for example, that it shall continue to be the responsibility of owners and occupants to remove snow and ice remaining or accumulating after any such removal by the Town.

3. Liability.

Such owner, lessee, tenant, occupant, person having charge, and each of them, shall be liable for any injury, damage or death by reason of omission, failure or negligence to comply with this Article, including for injury, damage or death by reason of omission, failure or negligence in keeping a sidewalk free from obstructions, snow, ice and icy conditions in accordance herewith. Notwithstanding any other provision of law, the Town of Walworth shall not be liable for any injury, damage or death due to the omission, failure or negligence of an owner, lessee, tenant, or occupant, or person having charge to comply with this Article.

4. Enforcement / Penalties.

A. This Chapter shall be enforced by the Code Enforcement Officer.

B. Failure to comply with any provision of this Chapter shall constitute a violation, and, upon conviction thereof, shall be subject to a fine not to exceed \$100.00. Each day's continued violation shall constitute a separate additional violation.

C. Remedies not Exclusive. No remedy or penalty set forth herein shall be the exclusive remedy available, and each remedy or penalty set forth herein shall be in addition to other remedies which may be available to the Town, including but not limited to all rights by statute or common law to enjoin, restrain or otherwise seek to remedy any violation of this chapter.

Section V. Validity and Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period. Moreover, pursuant to Municipal Home Rule Law, it is the intent of the Town Board to supersede any provisions of the New York State Law, including New York State Highway Law, to the extent that they may be inconsistent with the provisions of this Local Law.

Section VII. Effective Date

This Local Law will take effect immediately, upon filing with the Secretary of State of NY.