

**INTRODUCTORY LOCAL LAW No. 4 OF 2022
TOWN OF GOSHEN**

**A LOCAL LAW AMENDING CHAPTER 81 (“STREETS AND SIDEWALKS”) OF THE
CODE OF THE TOWN OF GOSHEN TO ENACT PROVISIONS RELATED TO THE
MAINTENANCE OF SIDEWALKS WITHIN THE TOWN OF GOSHEN AND THE
REMOVAL OF SNOW AND ICE THEREON**

BE IT ENACTED by the Town Board of the Town of Goshen, Orange County, New York as follows:

SECTION 1. PURPOSE AND INTENT.

The Town Board of the Town of Goshen finds that it is reasonable and appropriate to update and amend Chapter 81 (“Streets and Sidewalks”) of the Town of Goshen Code to add provisions relative to the maintenance of sidewalks within the Town, and the removal of snow and ice from sidewalks thereon. This local law is determined to be an exercise of the police powers of the Town to protect the public health safety and general welfare of its residents.

SECTION 2. CHAPTER 81: STREETS AND SIDEWALKS.

Chapter 81 (“Streets and Sidewalks”) is hereby amended to add the following language:

Article II. Snow and Ice Removal

§ 81-2. Removal of snow and ice required.

- A. Every owner, lessee, tenant, occupant or other person having charge of any building or lot of ground in the Town of Goshen abutting upon any street, avenue or public place shall and must, within 12 hours after the cessation of every fall of snow or the formation of any ice on the sidewalk abutting said building or lot of ground, remove or cause said snow or ice to be removed or cleared entirely from said sidewalk abutting said building or lot of ground; provided, however, that the time between the hours of 7:00 p.m. and 6:00 a.m. shall not be included in the above period of said 12 hours, and also provided that in case the snow or ice on any sidewalk abutting said building or lot of ground shall be frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or other person or persons having charge thereof shall, within the times and places hereinabove specified, cover or cause said abutting sidewalk to be covered and strewn with either sifted ashes or sand or some similar material (except sawdust) and shall, as soon thereafter as the weather will permit, thoroughly clean said sidewalk and remove said ice and snow therefrom.
- B. Any owner, lessee, tenant, occupant or other person having charge of any building or lot of ground abutting upon any street, avenue or public place for a continuous linear distance of 500 feet or more shall be considered to have complied with this Article if

such persons shall have begun to remove the snow and ice from the sidewalk before the expiration of the times hereinabove mentioned and shall, without suspending work thereon, continue such removal and shall complete the same within a reasonable time.

§ 81-3. Noncompliance; removal by town; recovery of costs.

Failure to comply with the provisions of § 81-2 of this Article shall constitute a violation thereof, and, in addition, the Highway Superintendent may, after the expiration of the time limits prescribed in § 81-2(A), proceed to clean or cover said sidewalk as provided by this article, and a report of the cost and expense of doing said work shall be submitted to the Town Clerk and shall then become a lien against the property where said work was performed.

§ 81-3. Penalties for offenses.

Any person violating any provision of this article shall, upon conviction thereof, be subject to a fine of not less than \$15 nor more than \$50 and each day on which such violation shall continue shall constitute a separate offense.

Article III. Sidewalk Maintenance

§ 81-4. Responsibility of property owner.

It shall be the duty and responsibility of every owner, lessee, occupant or person in possession of any lot or parcel of land in the Town of Goshen to maintain at his own expense any sidewalk abutting such lot or parcel in a clean and safe condition and in a good state of repair.

§ 81-5. Notice to repair or maintain.

If the Highway Superintendent or his duly designated representative shall find any such sidewalk in any unclean condition or in a state of disrepair, he shall serve on any such person, either personally or by mail, a notice stating:

- A. The location, by reference to post office address or tax lot number, of the particular sidewalk in question.
- B. The particular cleaning or repair to be performed.
- C. The time following the receipt of such notice within which such cleaning or repairs shall be completed, which shall not be less than 24 hours in the case of cleaning and not less than six days in the case of repair.

§ 81-6. Failure to comply; assessment of costs.

If any such person shall fail to perform and complete such cleaning or repair work within the time specified in said notice, the town may cause such cleaning or repairs to be performed and assess the expense therefor upon the abutting premises, which expense shall be a lien against such premises.

§ 81-7. Liability.

In the event that a third party is injured as the result of the abutting owner's failure to keep said sidewalk in a clean condition or failure to keep said sidewalk in repair, said abutting owner shall be liable to said third party for any damages resulting therefrom in any lawsuit or claim filed with regard thereto regardless of whether notice was provided to the abutting owner per § 81-5 herein.

SECTION 3. SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in New York Municipal Home Rule Law.