

TOWN OF PINE PLAINS

LOCAL LAW NO. 1 OF 2015

**A LOCAL LAW REGULATING THE REMOVAL OF SNOW AND ICE FROM THE
TOWN OF PINE PLAINS SIDEWALKS**

BE IT ENACTED by the Town Board of the Town of Pine Plains as follows:

SECTION 1. TITLE.

This local law is entitled: "A Local Law Regulating the Removal of Snow and Ice from the Town of Pine Plains Sidewalks".

SECTION 2. ENACTING AUTHORITY.

This local law is enacted pursuant to the authority granted to the Town by the Municipal Home Rule Law of the State of New York and pursuant to the provisions of Highway Law §130(4) and (7); §140 and §151.

SECTION 3. PURPOSE.

The purpose of this local law shall be to preserve the public peace and good order of the Town of Pine Plains and to contribute to the public welfare, safety and good order of its citizens and to contribute to the safe conveyance of its people over the streets and sidewalks of the Town by establishing certain requirements for the removal of snow and ice from sidewalks.

SECTION 4. REMOVAL OF SNOW AND ICE

- A. Snow and ice removal: Every owner and/or occupant of a house, building or lot of land (collectively, "property") situated in the Town of Pine Plains which fronts, or is adjacent to, a sidewalk during the season of frost and/or snow shall keep the whole of the sidewalk in front of, or adjacent to, their respective property free from snow and ice for the width thereof and in such a manner as to enable persons to walk thereon with safety.
- B. Removal time. Every owner and/or occupant of property as above set forth in Section 4(A)(1) shall remove all accumulations of snow and ice from the entire sidewalk adjacent to or in front of their properties within twenty-four (24) hours after any fall of snow and/or accumulation of ice.
- C. Use of salt, sand or other materials. In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, the owner and/or occupant shall within the time specified in Section 4(A)(B) cause to

be strewn and kept strewn the sidewalk with ashes, salt, sand, sawdust or other suitable material so as to be no longer dangerous to persons who walk thereon. As soon as reasonably possible thereafter, the sidewalk shall be completely cleared of snow and ice and other materials strewn thereon as provided in this local law.

SECTION 5. PENALTIES FOR OFFENSES.

Any person or entity violating the provisions of Sections 1, 4 and 5 of this law shall be guilty of a violation and subject upon conviction to a fine not exceeding \$250.00 and a sentence of imprisonment not exceeding fifteen (15) days in jail for each violation, or both. Each 24 hours continued violation shall constitute a separate additional violation.

SECTION 6. ADMINISTRATION AND ENFORCEMENT.

The provisions of this law shall be enforced by the Town's Code Enforcement.

SECTION 7. REMOVAL BY THE TOWN; CHARGE

Whenever an owner and/or occupant of a property fails to remove snow and ice and keep the sidewalks clear, as provided for in this local law, the Town Highway Superintendent, or other agency, or employee of the Town of Pine Plains designated by the Town Board, may clear the sidewalk of snow or ice and take such other action to keep the sidewalk in a safe and passable condition or, as the case may be, and the Highway Superintendent, or other designated employee or agency of the Town taking such corrective action, shall file a Certificate of the Expense thereof, together with the description of the property adjacent to or fronting on the sidewalk at which such corrective action was taken with the Town Clerk who shall certify the same to the Town Board at the next regular meeting thereof. The expense of taking such corrective action shall be paid by the owner and/or occupant of the property fronting and/or adjacent to the sidewalk, as the case may be, and may be collected by the Town in an action or law and/or assessed against the real property and added to the property owner's tax bill and shall become a lien thereof and collectable in the same manner as any delinquent taxes.

SECTION 8. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 9. SUPERSESION.

This local law shall supersede any provision of the Highway Law which is inconsistent with the provisions of this local law and is intended to supersede Local Law No. 1 of the Year 1976 and Local Law No. 5 of the Year 1984, which are hereby repealed.

SECTION 10. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing in the Office of the New York State Department of State as required by law.

Passed 1/8/15