

ORDINANCE #8 OF 2023

AN ORDINANCE AMENDING CHAPTER 189 ENTITLED "STREETS AND SIDEWALKS" OF THE CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE:

That §189-9 entitled "Sidewalk Maintenance" will be deleted in its entirety and replaced with the following:

§ 189-9. Sidewalk maintenance.

- A. The owner of every building or lot and the owner of every unoccupied building or lot adjoining which there is any sidewalk shall keep the same clean and free from dirt and rubbish, snow and ice. The owner of every building or lot adjoining which there is a sidewalk shall maintain the same in a state of good repair to provide safe passage to pedestrians. If any such person shall fail, neglect, or refuse to comply with the requirements of this section, the Director of Public Works may perform such work, and the cost of the same, together with an additional charge of 50% thereon to cover the cost of supervision and administration by the City, shall constitute a lien upon filing in the office of the City Comptroller and shall be collected at the same time and in the same manner as general City taxes.
- B. If an owner disputes an invoice notice for snow removal, based on a claimed factual error or administrative error, said owner may, within 10 days of the date of the invoice notice, send a written appeal to the Director for the Department of Public Works who, upon receipt of said appeal, shall within 14 days, respond in writing. The Director's response to such an appeal shall apply a written form and standards for appeal and potential waiver of charges as developed by the Director for the Department of Public Works and approved by the City Council.
- C. Any person aggrieved by the decision of the Director of Public Works shall have the opportunity to request an appeal before the City Manager. Any person requesting an appeal must submit the request in writing. All such appeals must be hand delivered, electronically delivered, or posted by mail within ten days of the decision of the Director of Public Works. When a timely appeal has been made, the appeal shall be held pursuant to this section; any request for hearing received untimely shall not entitle the requesting party to an appeal. Upon receipt of a timely request for appeal, the City Manager shall, if practicable, set a hearing to be held within ten business days, from said request and, further shall give no less than seven days' notice by regular mail or email to the requesting party of the time, date, and location of said appeal. The hearing may be reset by agreement of the parties, as confirmed in writing, but in no event shall the hearing be held any later than forty-five (45) days after the date of the action being appealed. The

appeal shall be informal in nature, and the parties may be represented by counsel or appear on their own behalf. After reviewing the evidence presented, the City Manager shall make a written ruling within five days of the hearing affirming or vacating the decision of the Director of Public Works under this section. If affirmed the penalty must be paid within 30 days of the date of the appeal. If the citation is vacated it shall be as if the citation was never issued and no fines related to that specific citation are due or owing.

ITEM TWO:

This ordinance shall take effect ten (10) days after publication of notice, which shall give the title and describe same in summary form.