

Local Law 6 – 2024
Adopted 8/5/2024
Filed

A local law to amend Chapter 110 (entitled “Streets and Sidewalks”) of the Code of the Village of Sea Cliff, to provide an express pass through responsibility for sidewalk maintenance.

Section 1. Section 110-1 of the Village Code is hereby amended, to read as follows:

“§110-1. Short Title/Definition.

- A. This chapter shall be known and may be cited as the "Streets and Sidewalks Law of the Incorporated Village of Sea Cliff."
- B. The term “sidewalk”, as used herein, shall mean a path ordinarily used by pedestrians alongside or at the side of a roadway, and includes the area between the curb line (or edge of the roadway where there is not curb line) and the adjacent property line, whether or not paved or improved.”

Section 2. Section 110-2 of the Village Code is hereby amended, to read as follows:

“§110-2. Condition of Sidewalk/Maintenance/Repairs.

- A. It shall be the duty of the owner and occupant of real property abutting a sidewalk, or upon which property a sidewalk is located, to maintain such sidewalk in a reasonably safe and passable condition.
- B. Notwithstanding any other provision of law, the owner and occupant shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such person(s) to maintain safe such sidewalk in a reasonably safe condition. Failure to maintain such sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective or damaged sidewalk flags and any part of such sidewalk and the negligent failure to remove snow, ice, dirt or other material from the sidewalk.
- C. Notwithstanding any other provision of law, the Village shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain a sidewalk in a reasonably safe condition.
- D. In addition to the aforesaid responsibility, when the Board of Trustees or its authorized representative directs, the owner or occupant shall repair any sidewalk condition indicated in such direction. Such repairs and corrections

shall be carried out under the supervision of the Board of Trustees or such representative, and the cost thereof shall be shared equally by the Village and the property owner. Under no circumstances shall the Village incur any obligation to a property owner to share the cost of repairs or corrections of conditions under this subsection unless the Board of Trustees or its authorized representative shall have specifically directed the making of such repairs or correction of such conditions.”

Section 3. Section 110-4 of the Village Code is hereby amended, to read as follows:

“§110-4. Sidewalk Obstructions.

No person occupying any private dwelling, and no person owning or occupying any other premises, either vacant or improved, shall permit any sidewalk, gutter or drain in front of or contiguous to such premises to remain covered, obstructed or encumbered with ice, snow, dirt, filth, weeds, rubbish or other obstructions or encumbrances for more than 12 hours or, if such dwelling or premises is in a business district, for more than three hours after reasonable opportunity has been had to remove same. The owner or occupant of any premises fronting upon any street in a business district in the Village shall, when ice cannot be removed, cause the sidewalk in front of such premises to be covered with salt, sand or other material approved in writing by the Village in such manner as to enable persons to walk thereon with safety. Notwithstanding any other provision of law, the owner and occupant shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such person(s) to remove such obstructions or encumbrances. Furthermore, all persons owning or occupying premises adjacent to a sidewalk must maintain any trees to eliminate hazardous conditions that could injure passersby. Notwithstanding any other provision of law, the Village shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to remove such obstructions, encumbrances, or hazardous conditions”

Section 4. Any local law or provision of the Code of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section 5. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.