

LOCAL LAW # 6 OF 2015
A LOCAL LAW GOVERNING THE INSTALLATION AND
MAINTENANCE OF SIDEWALKS IN THE VILLAGE OF AURORA

This local law is intended to repeal and replace in their entirety, the Ordinances of the Village of Aurora adopted September 4, 1958 pertaining to sidewalk construction, repair and maintenance, and Local Law #1 of 2011. As and for a local law governing the installation and maintenance of sidewalks in the Village of Aurora, to promote health, safety, and the common good by encouraging pedestrian use of Village sidewalks and general welfare by providing safe walkways for pedestrians along the streets and roads of the Village, the Aurora Village Board of Trustees (“Village Board”) hereby, upon the motion of Trustee Kit Van Orman, and the second of Trustee Alan Ominsky, does enact, find and adopt the following:

1. Installation of sidewalks by the Village as a public charge. Periodically from time to time, the Village Board, by a majority vote, may adopt a resolution to construct, reconstruct, install, improve, and/or replace any sidewalk or sidewalks within or adjoining a public right of way as a general public charge. In resolving to construct, re-construct, install, improve, and/or replace any sidewalk as a general public charge, the Village Board shall first make a determination and enunciate the rationale for that determination and confirm that the sidewalk in question does benefit the public at large. No sidewalk shall be installed or improved or re-constructed as a general public charge unless said sidewalk benefits the public at large.

2. Installation of sidewalks by private property owners. Any property owner may install, improve, construct, or re-construct a sidewalk within the Village of Aurora’s public rights of way at his or her own expense, so long as;

- a. The said sidewalk configuration, size, depth, width and materials conform with any and all sidewalk specifications of the Village of Aurora and other applicable local, state or federal regulations which may be in effect;

and

b. The Village Board, by majority vote, resolves to grant the private property owner permission to install, improve, construct, or re-construct said sidewalk. The Village Board shall choose to grant or not grant, said permission in its unfettered discretion.

c. If the Village Board shall grant the private property owner permission to install, improve, construct, or re-construct said sidewalk, but receives evidence that said sidewalk was not constructed to applicable village, state or federal standards, as may be applicable, or that said sidewalk otherwise causes adverse safety issues, the Village Board shall notify the private property owner(s) within thirty (30) days of the receipt of such evidence by the village. The private property owner(s) shall within thirty (30) days thereafter effectuate any and all repairs and/or replacements reasonably necessary to bring said sidewalk into compliance as may be directed by the Village's Superintendent of Public Works, weather permitting. However, if the Village Board deems the sidewalk to be in such a state or condition to potentially cause serious harm or injury to pedestrians, the Village Board may take such immediate steps it deems necessary to return said sidewalk to a reasonably safe condition through the use of Village resources. Thereafter, the Village Board shall directly bill the private property owner(s) for any and all costs, expenses and fees related to the Village's repair/replace efforts, to include the time and benefit allocations of Village employees and/or consultants. Within the Village of Aurora, construction of sidewalks where they do not currently exist, or the re-construction of sidewalks which are pre-existing but not listed on Schedule "A" hereof, may be required as a condition of zoning review for new or modified development applications. Once installed by a property owner or the Village, sidewalks must be

maintained consistent with this Local Law.

3. Sidewalk maintenance other than snow and ice removal.

a. Any sidewalk(s) installed or reconstructed pursuant to the authority of paragraph "1" above which are also listed on Schedule "A" annexed hereto, shall thereafter be maintained for ordinary wear and tear and breakage by the Village as a public charge. For maintenance of sidewalks required other than ordinary wear and tear, to wit: damage due to sudden trauma and/or negligence, the cost of repair of said damage shall be the obligation of the responsible party and shall be repaired within fifteen (15) business days, weather permitting. Discretion for granting an extension of the time to repair beyond fifteen (15) days due to weather lies with the Village Department of Public Works. Damage not repaired within fifteen (15) days may be repaired by the Village at the expense of the party causing the damage.

b. Maintenance of sidewalks not listed on the annexed Schedule "A", as well as any sidewalks installed by private property owners, shall be conducted pursuant to this Local Law, to wit: the owner, occupant, or person in charge of premises fronting a sidewalk shall be responsible for maintaining, repairing and keeping clear that portion of said sidewalk.

c. Non-conforming sidewalks. Under no circumstance shall the Village of Aurora repair or improve or maintain as a public charge a sidewalk which has been privately constructed and which does not conform to Village sidewalk specifications.

d. Sidewalks may only be removed in preparation for replacement, unless removal is approved by the Village Board.

4. Snow and ice removal. It shall be the duty and obligation of the owner of every

parcel of real estate adjoining or abutting a sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining or abutting said parcel free from snow and ice for the full paved width of such sidewalk.

- a. Time Limit. Snow and ice accumulation shall be removed within twenty-four (24) hours after the end of a snowfall or precipitation event. In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times during their respective hours of operation.
- b. Severe icing. In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall within the time period specified above, be strewn and kept strewn with sand, sawdust, or other suitable materials, so as to no longer be dangerous to life and limb. As soon as practical thereafter, the sidewalk shall be completely cleared of snow, ice, and other materials strewn thereon, as provided in this local law.
- c. Deicer. No sodium chloride (rock salt) shall be applied to public sidewalks within the Village. Deicers used shall be labeled safe for concrete use.
- d. Removal of snow and ice accumulation by Village. Whenever the owner of a parcel of real estate adjoining or abutting a public sidewalk shall fail to remove the snow and ice accumulation from such sidewalk adjoining or abutting such property within the time specified in this local law, it shall be the duty of the Superintendent of Public Works to determine a violation and the Public Works Department may be directed to remove said snow and ice and notify the Superintendent of Public Works of the amount of labor, equipment, and materials used in so doing. The Supervisor of Public works shall thereafter provide a report of said matter to the Village Board.

e. Treatment of severe icing by the Village. In the case of severe icing, notification of the adjoining/abutting property owner is required to allow for the ice to be strewn or removed before work by the Village progresses. Twelve (12) hours following written notice by the Superintendent of Public Works delivered to the address where the icing has occurred, it shall be the duty of the Superintendent of Public Works to determine a violation and the Public Works Department to treat and/or removed said ice and notify the Superintendent of Public Works of the amount of labor, equipment, and materials used.

f. Depositing on streets. No person, business, entity, firm or corporation shall deposit, throw, place, store, strew, nor shall any person, business, entity, firm or corporation caused to be deposited, thrown, placed, stored, or strewn any snow or ice upon any street, avenue or roadway in the Village.

5. Non-compliance and Enforcement.

a. When the Village removes snow or treats ice on a public sidewalk because such has not been removed/treated by the adjoining/abutting property owner(s) within the time frame specified above, the charge to the owner(s) shall be \$100.00 or the actual expense occurred, whichever is greater. A Village officer, as directed by the Village Board, shall promptly present to the owner(s) a bill for the removal of snow and ice as certified by the Superintendent of Public Works. If not paid within thirty (30) days, the cost thereof shall be assessed against the property, added to their tax bill and become a lien thereon, collectible in the same manner as delinquent Village taxes.

b. Failure to comply with any of these regulations shall constitute a violation punishable by a fine not exceeding \$100.00 for the first offense;

\$200.00 for the second offense; \$350.00 or imprisonment for up to fifteen (15) days, or both, for a third offense; and \$450.00 or imprisonment for up to fifteen (15) days, or both, for a fourth offense, and any additional offenses thereafter. Each day of non-compliance shall be a separate and continuing violation under this section.

c. Nothing herein shall prevent the Village from commencing a civil action to recover costs incurred by the Village hereunder, and for any and all damages suffered by the Village, including damages to public sidewalks, trees, plantings, structures and/or street furniture owned or leased by the Village.

6. **Severability.** The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall not invalidate any other clause, sentence or paragraph or part thereof.

7. **Repealer.** All local laws, ordinances or parts of local laws or ordinances in conflict with this Local Law are hereby repealed. Additionally, the Ordinances of the Village of Aurora adopted September 4, 1958 pertaining to sidewalk construction, repair and maintenance, and Local Law #1 of 2011 are hereby expressly repealed in their entirety and replaced by this Local Law.

8. **Effective Date.** This Local Law shall take effect upon filing in the office of the New York Secretary of State.

LOCAL LAW # 6 OF 2015-SCHEDULE “A”

All sidewalks:

bordering the west side of Route 90 within village limits and the east side from the southern line of the Aurora Free Library property to Sherwood Road, excluding those privately installed and in non-compliance with all sidewalk specifications of the Village of Aurora and other applicable local, state or federal regulations which may be in effect;

bordering the north side of Wells Road from Route 90 to the east line of the property at 27 Wells Road;

bordering the south side of Dublin Hill Road from Route 90 to the east line of 24 Dublin Hill Road;

bordering the north and south sides of Cherry Avenue from Route 90 to Court Street;

bordering the north side of Lafayette Street from Route 90 to Court Street;

bordering the east side of Court Street;

bordering the south side of Sherwood Road from Route 90 to the east line of 98 Sherwood Road.