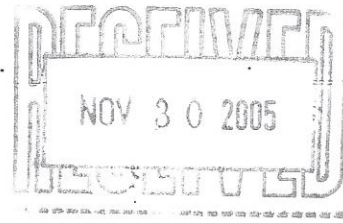




STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001



GEORGE E. PATAKI  
GOVERNOR

November 28, 2005

Village of Dolgeville  
41 North Main Street  
Dolgeville, NY 13329

**RE: Village of Dolgeville, Local Law 2, 2005, filed on 11/16/2005**

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records & Law Bureau  
(518) 474-2755

LL:cb

**A Local Law Establishing The Removal Of Ice And Snow In The Village of Dolgeville**

**Section 1. Purpose.**

The purpose of this law shall be to preserve public peace and good order in the Village of Dolgeville and to contribute to the safe conveyance of its people over local sidewalks, streets and under buildings by establishing certain regulations for the removal of snow and ice that are consistent with the rights and privileges of Village residents.

**Section 2. Duty of Property Owner and Occupant.**

It shall be the duty of the owner and occupant, jointly and severally, of every parcel of real estate adjoining a public sidewalk, whether or not the parcel of real estate is occupied by a structure, to keep such sidewalks free from snow and ice for the full paved, or non-paved and designated, width of such sidewalk and to keep roofs and eaves free from accumulated snow and ice.

It is a specific intent of this local law to establish liability for personal injuries or property damage proximately resulting from the failure to keep a sidewalk, or roof or eave, free from snow and ice directly and solely upon any owner or occupant of premises who breaches the duty prescribed herein such that no civil action shall be maintained against the Village of Dolgeville.

It is further specifically intended, pursuant to the authority granted under Municipal Home Rule Law 22 and General Municipal Law 50-e(4), that this local law shall supersede Village Law 6-628.

Any action by, or at the direction of, the Superintendent of Public Works for Village employees to clear sidewalks, roofs or eaves of accumulated snow and ice for either the correction of a violation of this law or to lessen general public concern, inconvenience or emergency, shall not be deemed a waiver of the continuing duty described herein of an owner or occupant of real property.

**Section 3. Time Limit.**

Snow and ice shall be removed within twenty-four (24) hours after the end of a snowfall. In addition, sidewalks, roofs and eaves in front, and an integral part, of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours 9:00 A.M. and 5:00 PM.

#### Section 4. 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 specified in Section 3, be strewn and kept strewn with ashes, sand, sawdust or other suitable material, 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.

#### Section 5. Snow, Ice and Water Falling From Buildings.

The owners or occupants of buildings adjacent to public sidewalks shall take measures to protect the public from falling snow, ice or water from such buildings.

#### Section 6. Depositing on Sidewalks or Streets.

No person, firm or corporation shall deposit, throw, place or strew, nor shall any person, firm or corporation cause to be deposited, thrown, placed or strewn, any snow or ice, upon any sidewalk, street, avenue or roadway within the Village.

#### Section 7. Placing of Snow and Ice on Another's Property.

No person, firm, corporation, property owner or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate upon which the snow or ice is to be placed.

#### Section 8. Notice of Violations.

Notice from a member of the public regarding a snow and ice covered sidewalk, or other condition, apparently in violation of this law shall be made in writing and filed with the Village Clerk who, together with any written notice received from the Superintendent of Public Works, shall index, maintain and present such information pursuant to the requirements of Village Law 4-402(g) and, within twenty four (24) hours after receiving such notice, provide a stamped copy to the Superintendent of Public Works.



Based upon the receipt of a stamped copy of a written notice filed with the Village Clerk regarding a sidewalk, or other condition, in apparent violation of this law, the Superintendent of Public Works, or his or her designated agent, shall, within twenty four (24) hours, make a full inspection of such sidewalk, or other condition, and file a report with the police department and Village Clerk.

#### Section 9. Enforcement of Violations.

If the report of the Superintendent of Public Works shall confirm the existence of a sidewalk, or other condition, in violation of this local law, any police officer shall, within twenty four (24) hours, cause a notice to be served upon the owner or occupant, or his or her executor, legal representative, or agent, either personally or by both certified, return receipt requested and regular first class prepaid mail, addressed to the last known address of the owner or occupant as said address is shown on the most current records of the Town of Manheim Assessor, or elsewhere.

If the name of the owner or occupant, or current address, cannot be ascertained, notice shall be served by posting in a conspicuous place upon the subject premises with a notarized Affidavit of Service thereafter filed with the Village Clerk.

#### Section 10. Removal by Village.

Whenever the owner or occupant of a parcel of real estate adjoining a public sidewalk fails to remove snow and ice from such sidewalk, or snow and ice from a roof or eave, within the time specified in this local law, or within four (4) hours after receiving notice from a police officer to remove same, it shall be the duty of the Superintendent of Public Works to remove said snow or ice and notify the Village Clerk of the expense incurred by the amount of labor, equipment and materials used. The labor charge shall be not less than the equivalent of the hourly wage for the highest paid Village public works employee and the equipment charge shall not be less than the equivalent of the standard industrial rate therefore.

#### Section 11. Collection of Costs for Removal by Village.

The Village Clerk shall promptly present to the owner or occupant of each parcel a bill for the removal of snow and ice as certified by the

Superintendent of Public Works. If such bill is not paid within thirty (30) days, the cost thereof shall be assessed against the property, added to the applicable tax bill and become a lien thereon, and become collectible in the same manner as delinquent Village taxes.

#### Section 12. Penalties for Offenses.

Any person or persons violating any provision of this local law shall be deemed to have committed a non-criminal offense "violation" as described in Penal Law 10(3) and be subjected to a fine, such fine not to exceed two hundred fifty (\$250.00) dollars, or a sentence of imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment, together with any surcharge applicable under law. Nothing herein, however, should be construed to prevent a court of competent jurisdiction from imposing an Adjournment in Contemplation of Dismissal, Unconditional Discharge or Conditional Discharge as those procedures are defined in the Criminal Procedure Law and Penal Law.

The penalties and procedures described herein may be in addition to any other remedies or actions that may be taken by the Village either as provided herein or as may otherwise be permitted by law.

#### Section 13. Severability.

Should any section, paragraph, sentence, clause or phrase of this local law be declared unconstitutional or invalid for any reason, the remainder of said local law shall not be affected thereby.

#### Section 14. When Effective.

This local law shall take effect on filing with the Secretary of State as provided by law.