

VILLAGE OF WALTON

LOCAL LAW NO. 3 OF THE YEAR 2010

A LOCAL LAW TO AMEND § 43-8
"REMOVAL OF SNOW AND ICE FROM SIDEWALKS."

BE IT ENACTED by the Village Board of the Village of Walton,

Section 1: § 43-8 of the Code of the Village of Walton, Sections A, B, and C are hereby repealed and replaced with the following:

- A. Removal from sidewalks; duty of owner. It shall be the duty of the owner of each and every parcel of real estate in the Village abutting or bordering upon any street, avenue, highway or other public place to remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of such sidewalk before 9:00am the following day of a snowfall accumulating to more than **one inch**.
- B. Use of ashes, sand, similar material. If the snow and ice on the sidewalk shall be frozen so that it cannot be removed without injury to the pavement, the owner and occupant of every parcel of said real estate shall, within the time specified in the preceding subsection, cause the sidewalk abutting or adjacent to such premises to be strewn and to be kept strewn with ashes, sand or some other suitable material and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalk.
- C. Authority of Code Enforcement Official cause removal; assessment of cost of removal by Village. Whenever the owner of such parcel real estate shall fail or neglect to remove such snow and ice as aforesaid, the Code Enforcement Official shall have the snow and ice removed therefrom without notice to such owner or occupant, and the cost of such removal, together with an additional charge of 25% thereof for supervision and administration, shall be assessed against such property, and the sum shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the general village tax and as a part thereof.

D. Should any person wish to appeal the determination of the Code Enforcement Official, such appeal shall be made in writing to the Code Enforcement Official at Village Hall, which shall be postmarked no later than 10 days following the date of the notice of snow removal sent by the Village to the property owner at the address as set forth upon the assessment roll of the Village. In order to be a valid appeal, the writing must state the factual basis for the appeal, and why the Code Enforcement Officer improperly applied the law to the property. If, in addition, the appeal includes a request for a hearing, that hearing will be held at Village Hall before the Code Enforcement Committee of the Village Board, at which time the property owner and the Code Enforcement Office will be heard. The Village Clerk shall set the date and time for the hearing which shall be no later than thirty days after the receipt of the appeal. A tape recording of the appeal hearing shall be made and any exhibits or photographs considered by the Committee shall be retained by the Village Clerk for at least one year from the time of the hearing. A written decision will be made by the Committee and mailed to the property owner within 10 days after the Hearing. If the Committee does not agree unanimously on the appeal, the matter shall be referred to the Village Board which shall review the record at a time no later than 30 days after referral, and shall vote thereon, with the majority determining the matter. A written notice of that vote will be mailed to the property owner within 10 days thereafter.

Section 2: This local law shall take effect upon the filing with the Secretary of State of the State of New York.