

TOWN OF RICHFORD, NY
SIDEWALK AND SNOW AND ICE REMOVAL ORDINANCE

1. Purpose and Intent; Authority.

This Ordinance sets forth requirements for the use and maintenance of sidewalks in the Town of Richford, NY in order to protect the public health, safety, and general welfare by providing safe walkways for pedestrians along streets and roads in the Town. This Ordinance is adopted pursuant to Section 10 of the New York Municipal Home Rule Law, Section 151 of the New York Highway Law, and Section 130 of the New York Town Law.

2. Construction of Sidewalks.

- A. Opting to Construct – If a property owner opts to install a sidewalk adjacent to a public road, said sidewalk shall be constructed in accordance with standards set by the New York State Department of Transportation (hereinafter NYS DOT) and the authority governing the adjacent roadway (state, county, or town). Property Owner should complete a site plan review with the Town Planning Board before commencing construction.
- B. Sidewalks and New Development – Construction of sidewalks where they currently do not exist may be required as a condition of site plan review for new or modified development. Any such sidewalks shall be constructed in accordance with standards set by the NYS DOT and the authority governing the adjacent roadway (state, county, or town).
- C. Government Construction – The Town of Richford, County of Tioga, and State of New York, in their sole discretion, may construct, repair, replace, or reconstruct sidewalks within or adjoining the public right of way.
- D. Duty to Maintain – Once installed by a property owner, the State of New York, the County of Tioga, or the Town of Richford, any and all sidewalks must be maintained consistent with this Ordinance.
- E. Sidewalk Removal – Sidewalks may be removed only in preparation for replacement in accordance with standards set by the NYS DOT unless removal is approved by the Town Board.

3. Parking and Driving on Sidewalks.

- A. Parking Prohibited – No unauthorized motorized vehicle of any kind, including but not limited to automobiles, trucks, trailers, motor homes, motorcycles, snowmobiles, and all-terrain vehicles, shall be parked or stopped on any sidewalk within the Town at any time. Emergency vehicles responding to an emergency are exempted from this prohibition.
- B. Driving Prohibited – No unauthorized motorized vehicle of any kind shall be operated on any sidewalk within the Town, except that it is permitted for vehicles to drive across the driveway apron portions of sidewalks. Personal assistive mobility devices and lawn tractors are allowed. ATVs, UTVs, and pickup trucks are permitted for snow removal purposes only. Emergency vehicles responding to an emergency are exempted from this prohibition.

4. Maintenance and Repair of Sidewalks.

- A. Duties of the Property Owner –
 - i. Keep Clean. It shall be the duty of the owner of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to maintain it in a clean condition and free from filth, dirt, weeds, leaves, or other obstructions or encumbrances.
 - ii. Notify of Repairs Needed. It is the duty of the owner to notify the Town Supervisor of any repairs needing to be made to the adjoining sidewalk.
 - iii. Trees and Shrubs. The owner of premises adjoining any public sidewalk shall keep the sidewalk free from obstruction by plants, shrubs, and tree limbs. Tree limbs lower than seven (7) feet must be trimmed from the sidewalk. No plants, shrubs, or trees may impede passage on the sidewalk.
 - iv. Direct Water. No owner shall knowingly discharge or direct water onto a sidewalk.
- B. Damage to Sidewalks –
 - i. Responsibility. Damage to Sidewalks caused by other than normal use shall be repaired by the party causing the damage in accordance with standards set by the NYS DOT. Damage not repaired or addressed by written letter to Town Clerk within twenty-one (21) days may be repaired by the Town at the expense of the party causing the damage.
 - ii. Civil Action. Nothing herein shall prevent the Town of Richford from initiating a civil action to recover costs incurred by the for repairs of any and all damages including but not limited to those done to public sidewalks; street trees and plantings; and street furniture, such as fences, benches, signage, and lampposts.
 - iii. Liability. Further, any person causing such damage shall be liable for any injury or damage caused by that damage.
 - iv. Criminal Charges. Nothing herein shall prevent charges for vandalism (legally “criminal mischief”), if appropriate, from being filed.

5. Snow and Ice Removal from Sidewalks.

- A. Duty of the Property Owner – It shall be the duty of the owner of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalk adjoining such property free from snow and ice for the fully paved width of such sidewalk for the entire length of their property.
- B. Exemption – Residents who own their own homes and are 65 years old or older and residents who own their own homes and are living with a disability may apply to be exempt from the requirement to clear snow and Ice from the sidewalk adjacent to the property they own. Obtaining the exemption is the responsibility of the owner. Applications for exemption are appended to this Ordinance and will be available from the Town Clerk.
- C. Time Limit – Snow and ice accumulation shall be removed within twenty-four (24) hours after the end of a snowfall. In addition, sidewalks in front of commercial

establishments and commercial parking lots shall be kept free of snow and ice at all times that the commercial establishment is open.

- D. Severe Icing – In the event that snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall 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 Ordinance.
- E. De-Icer – No rock salt shall be applied to the public sidewalks. De-Icers used shall be labeled safe for concrete use.
- F. Depositing on Roads – No person, firm, or corporation shall deposit, throw, or place, nor shall any person, firm, or corporation cause to be deposited, thrown, or placed, any snow or ice upon any public road within the Town.
- G. Obstruction of Drivers' Line of Sight – No person, firm, or corporation shall pile, gather up, plow up, or in any way force any snow upon any parcel of land within six (6) feet of any public road in such a manner as to cause the height of the snow to exceed three (3) feet six (6) inches in height above the existing natural grade of the parcel of land within six (6) feet of said public road.
- H. Placing of Snow and Ice on Another's Property or Sidewalk – 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. Under no circumstance may snow or ice be removed from one's property and placed on the sidewalk adjoining another's property.
- I. Direct Water – No owner shall knowingly discharge or direct water in such a fashion as will cause the water to accumulate or freeze on a public road or sidewalk. Removal of such accumulation or ice created by such discharge or direction shall be at the sole cost of the party causing such discharge or direction of water. Should the situation remain after twenty-four (24) hours, it may be removed by the Highway Department at the expense of the party causing the discharge or direction of water.
- J. Snow, Ice, and Water Falling from Buildings – The owners of buildings adjacent to public sidewalks shall take measures to protect the public from the falling snow, ice, or water from such buildings.
- K. Clearing of Deep Snow – When more than twelve (12) inches of snow has fallen during a storm, the adjoining owner shall have up to forty-eight (48) hours to have at least a two-foot width of sidewalk cleared of snow and ice.
- L. Sidewalks Closed – In cases of very severe icing or snowfall, the Town Supervisor may, at his or her sole discretion, declare the sidewalks closed for a period of time. Should this occur, the Town Supervisor will place or cause to be placed signage to that effect.
- M. Removal of Snow and Ice by Town – Whenever the owner of a parcel of real estate adjoining a public sidewalk fails to remove the snow and ice from such sidewalk adjoining such property within the time limits specified by this Ordinance, it shall be the duty of the Highway Department to remove said snow and ice without notice to the owner at the owner's expense.

6. Charges and Penalties.

- A. Should the Highway Department provide any maintenance or clearing of snow and ice on behalf of an owner failing to do so within the time limits specified in this Ordinance, the Highway Superintendent shall notify the Town Clerk in writing of the value of labor, equipment, and materials used. The charge to the owner shall be fifty dollars (\$50.00) or the expense incurred, whichever is greater. The bill for such shall be mailed to the owner's last known place of residence. In case the bill is not paid within twenty-one (21) days, the Town Clerk shall add the same to the tax roll and it shall be levied against such property and collected in the same manner as other Town taxes.
- B. Any property owner removing snow or ice from his or her property and placing the snow or ice on the sidewalk adjoining the property of another, or causing or allowing the same to be done, shall be subject to the charges described in part 6A. Additionally, such a property owner may be subject to ticketing and fines as described in the appended schedule.
- C. In addition to charges described in part 6A, any property owner violating any part of this Ordinance or causing or allowing the violation of any part of this Ordinance may be subject to a written warning to desist. Any further violations may be subject to ticketing and fines as described in the appended schedule.

7. Authority of the Code Enforcement Officer.

The Code Enforcement Officer shall have the authority to issue tickets to appear in Town Court to a property owner violating any part of this Ordinance, or causing or allowing a violation of any part of this Ordinance.

8. Liability of the Property Owner.

Any owner who fails to maintain the sidewalk adjoining their parcel, fails to notify the Town of needed repairs to the sidewalk, fails to keep it free from obstructions, or fails to clear snow and ice within the time limits set forth by this Ordinance shall be liable for any injury or damage incurred by reason of omission, failure, or negligence.

9. Severability.

The invalidity of any clause, sentence, paragraph, or provision of this Ordinance shall not invalidate any other clause, sentence, paragraph, or part thereof.

10. Repealer.

This Ordinance shall supersede and repeal Local Law #2 of 1992.

11. Effective Date.

This Ordinance shall take effect upon filing in the office of the State of New York Secretary of State.

**SCHEDULE OF FINES FOR VIOLATIONS OF THE TOWN OF RICHFORD, NY
SIDEWALK AND SNOW AND ICE REMOVAL ORDINANCE**

It is not the intention of the Town of Richford to fine its residents, but rather to best provide for the public health, safety, and general welfare of all. Therefore, we will attempt to deal with any violations of the Sidewalk and Snow and Ice Removal Ordinance not otherwise specifically addressed in the Ordinance as follows:

First offense: The Code Enforcement Officer shall provide the property owner with a written warning to desist. The warning shall include the text of the section of the Ordinance being violated.

Second offense: The property owner may be issued a ticket to appear in Town Court at which time he or she may be fined an amount not to exceed \$100 per incident.

Third and further offenses: The property owner may be issued a ticket to appear in Town Court at which time he or she may be fined an amount not to exceed \$250 per incident for each additional offense.

TOWN OF RICHFORD, NY
APPLICATION FOR SIDEWALK SNOW AND ICE REMOVAL EXEMPTION

First Name: _____ Last Name: _____

Phone Number (Home or Cell): _____

Name and Phone Number of Caregiver or Responsible Person (If applicable):

Street Address where Exemption is Requested:

Do you own the address where the exemption is being requested? _____

Note: If you do not own the address, you are not eligible to apply. Your landlord is responsible for snow and ice removal.

Evidence for Age-Based Exemption:

Date of Birth: ____/____/_____

Driver's License or Other Government-Issued ID Number: _____

Type of ID and Government that Issued It: _____

Evidence for Disability-Based Exemption (Attach copies to this application):

_____ Doctor's note stating property owner is physically unable to remove snow and ice.

Is disability temporary or permanent? _____

Note: If temporary, this exemption is for the current season only. If you are deemed temporarily disabled this year, you will have to reapply next year if you are disabled again.

Signature: _____ Date: ____/____/_____

Office Use Only: Exemption Granted? _____

Town Clerk Signature: _____ Date: ____/____/_____