

## LOCAL LAW NO. 1 OF 2007

### A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2005 RELATING TO SIDEWALKS IN THE VILLAGE OF ARGYLE

**BE IT ENACTED** by the Argyle Village Board, in the County of Washington, as follows:

**SECTION 1: Purpose and Intent; Authority** - This local law sets forth requirements for the use and maintenance of sidewalks in the Village of Argyle in order to protect the public health, safety and general welfare by providing safe walkways for pedestrians along streets and roads in the Village. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law.

#### **SECTION 2: Construction, Maintenance and Clearing of Sidewalks; Parking Prohibited**

A. Construction - Within the Village of Argyle, construction of sidewalks where they do not currently exist is not required. However, existing sidewalks must be maintained and repaired. Property owners who elect to install sidewalks are required to do so in accordance with this Local Law. Once installed, sidewalks must be maintained consistent with this Local Law. Any sidewalks that are located within the Village shall be constructed, reconstructed and repaired in accordance with standards set by the Village Board.

B. Maintenance and repair – Where the Village owns the property where such sidewalk has been laid, the Village, in its absolute discretion, may repair, maintain, replace and reconstruct such sidewalks. The owner of premises abutting on any street or road who owns the property where a sidewalk has been laid shall repair, maintain, replace and reconstruct such sidewalk. Sidewalks may be removed only in preparation for replacement, and the new sidewalk shall be completed within sixty (60) days after removal of the existing sidewalk. If any sidewalk is replaced or reconstructed, it shall meet the requirements of Section A above. Any property owner who is unable to

complete construction in the time allowed may apply to the Village Board for an extension of time. The Village Board, in its discretion, may require posting of a bond in an amount sufficient to ensure completion of the work.

C. Snow, ice and obstruction removal - The owner of premises abutting on any street or road where a sidewalk has been laid shall keep the sidewalk in front of the premises free and clear from snow, ice, dirt and other obstructions including parked vehicles of any kind. Snow and ice shall be removed as soon as possible but in no event later than forty-eight (48) hours after the end of a snow or ice event.

D. Trees and shrubs – The owner of premises abutting on any street or road where a sidewalk has been laid 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.

E. Parking prohibited – No 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 Village at any time.

F. Snowmobiles/ATVs – No unauthorized motorized vehicle, including but not limited to a snowmobile or All Terrain Vehicle, shall be operated on any sidewalk within the Village. This Section shall not prevent the use of an all-terrain vehicle equipped with a plow, or similar vehicle, from being used to remove snow from sidewalks.

G. Noncompliance; enforcement – (i) A violation of this Chapter by parking on a sidewalk shall constitute a violation punishable by a fine not exceeding \$125 for the first offense; the penalty for additional offenses shall be as set forth in Section G(ii).

(ii) Except as set forth in Section G(i) above, failure to comply with any of these regulations shall constitute a violation punishable by a fine not exceeding \$250 for the first offense; \$350 or imprisonment for a term not exceeding 15 days, or both, for the second offense; and \$450 or imprisonment for a term not exceeding 15 days, or both, for the third and any additional offenses.

(iii) In addition to any fine imposed, the Court shall order restitution to the Village for costs and expenses incurred. In the case of snow, ice and obstruction removal, such restitution shall be in the minimum amount of Forty Dollars (\$40.00).

**SECTION 3. Severability.** The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**SECTION 4. Repealer.** All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

**SECTION 5. Effective Date.** This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

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