

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOM
GOVERNOR

ROSSANA ROSAD
ACTING SECRETARY OF STATE



April 27, 2016

Town of Romulus
Town Clerk
P.O. Box 177
Willard, NY 14588

RE: Town of Romulus, Local Law 1 2016, filed on April 27, 2016

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue,
ALBANY, NEW YORK 12231-0001

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Romulus
- Town
- Village

Local Law No. A of the year 2016.

A local law to amend Town of Romulus, Local Law No. 1 of the Year 2015, "the Zoning Ordinance for the Town of Romulus," at "Article XIV, Property Maintenance, Section 4. Minimum Conditions, B. Exterior Property Areas, 3.3, Sidewalks and driveways"

(Insert Title)

Be it enacted by the Town Board of the

(Name of Legislative Body)

- County
- City of Romulus as Follows
- Town
- Village

Section One. Intent.

- A. It has come to the attention of the Town Board of the Town of Romulus that certain public sidewalks in the town are located upon the property of the owners of the abutting property, while certain public sidewalks are located within the town’s ownership. This has created potential inequities under the Town’s “Property Maintenance” code, in which certain property owners are required to maintain the sidewalks abutting their properties while other abutting property owners are not.
- B. It is the intent of the Town Board of the Town of Romulus to insure that all sidewalks within the town, and the owners of all real property abutting such sidewalks, shall be treated in an equal and non-discriminatory manner in regard to repairs, removal of obstructions and other matters.

Section Two. Amendment.

Town of Romulus, Local Law No. 1 of the Year 2015, “the Zoning Ordinance for the Town of

(If additional space is needed, attach pages the same size as this sheet and number each.)

Romulus," at "Article XIV, Property Maintenance, Section 4. Minimum Conditions, B. Exterior Property Areas, 3.3, Sidewalks and driveways" is hereby amended as follows:

- A. All sidewalks (including any median between the sidewalk and the highway), walkways, stairs, driveways (including any driveway apron), parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions, including, but not limited to, snow, ice, dirt or other material upon the sidewalk.
- B. It shall be the duty of the owner and occupant of the real property (hereinafter in this article referred to as the "owner" and "occupant") abutting any sidewalk (including any median between the sidewalk and the highway), walkways, stairs, driveways (including any driveway apron), parking spaces and similar areas, including, but not limited to the intersection quadrant for corner property, to maintain such areas in a reasonably safe condition, regardless of whether such sidewalk or areas might be within the town's right of way or upon the town's property.
- C. The owner and occupant of premises abutting on any street where a sidewalk, walkway, median or driveway apron has been laid (hereinafter in this article referred to as the "owner" and "occupant") shall keep the sidewalk, walkway, median or driveway apron in front of such premises free and clear from snow, ice, dirt and other materials and obstructions and shall, within 24 hours after the snow ceases to fall or after the deposit of any dirt or other materials and obstructions upon such sidewalk, median or driveway apron, remove the snow, ice, dirt and other materials and obstructions from same regardless of whether same might be within the town's right of way or upon the town's property.
- D. The owner and occupant of premises abutting on any street where a sidewalk, walkway, median or driveway apron has been laid shall empty all refuse and clean any garbage can located in front of such premises, regardless of whether such area might be within the town's right of way or upon the town's property.
- E. Notwithstanding any other provision of law, the owner and occupant of real property, abutting any sidewalk, walkway, median or driveway apron, including but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such area in a reasonably safe condition, regardless of whether such sidewalk, median or driveway apron might be within the town's right of way or upon the town's property.
- F. Notwithstanding any other provision of law, the town shall not be liable for any injury to property or personal injury, including death, proximately caused by the owner's and/or occupant's failure to maintain such sidewalk, walkway, median or driveway apron in a reasonably safe condition.

(If additional space is needed, attach pages the same size as this sheet and number each.)

G. Nothing herein shall be deemed a waiver by the town of the provisions of Town Law § 65-a of the State of New York, or any duly enacted local law, requiring prior written notice of defects in the sidewalk as a condition precedent for a civil action against the town or town superintendent of highways for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks.

Section Three. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

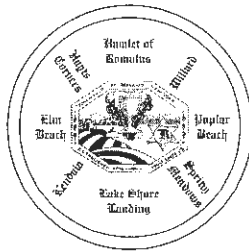
Section Four. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet and number each.)

TOWN OF ROMULUS

David Kaiser, Supervisor
Marjorie Van Hyning, Town Clerk
Daryl Morrell, Supt of Highways
Kyle Collinsworth, Councilman
Ralph Walborn, Councilman
Theresa Jackson, Councilwoman
Michael Joslyn, Councilman



1435 Prospect Street
PO Box 177
Willard, New York 14588
PHONE: 607-869-9326
FAX: 607-869-5763
Romulus@rochester.rr.com

Resolution requesting the Town of Romulus Planning Board to review and report on a proposal to amend Town of Romulus, Local Law No. 1 of the Year 2015, "the Zoning Ordinance for the Town of Romulus," at "Article XIV, Property Maintenance, Section 4. Minimum Conditions, B. Exterior Property Areas, 3.3, Sidewalks and driveways"

Resolution #21-16

Whereas, the town wishes to consider the following local law: Proposed Local Law to amend Town of Romulus, Local Law No. 1 of the Year 2015, "the Zoning Ordinance for the Town of Romulus," at "Article XIV, Property Maintenance, Section 4. Minimum Conditions, B. Exterior Property Areas, 3.3, Sidewalks and driveways";

NOW, THEREFORE, BE IT RESOLVED, that the planning board of the Town of Romulus shall review and report upon the following, prior to the regularly scheduled November 2015 meeting of the Romulus Town Board, to be held the 18 day of November, 2015:

Proposed Local Law to amend Town of Romulus, Local Law No. 1 of the Year 2015, "the Zoning Ordinance for the Town of Romulus," at "Article XIV, Property Maintenance, Section 4. Minimum Conditions, B. Exterior Property Areas, 3.3, Sidewalks and driveways"

Section One. Intent.

- A. It has come to the attention of the Town Board of the Town of Romulus that certain public sidewalks in the town are located upon the property of the owners of the abutting property, while certain public sidewalks are located within the town's ownership. This has created potential inequities under the Town's "Property Maintenance" code, in which certain property owners are required to maintain the sidewalks abutting their properties while other abutting property owners are not.
- B. It is the intent of the Town Board of the Town of Romulus to insure that all sidewalks within the town, and the owners of all real property abutting such sidewalks, shall be treated in an equal and non-discriminatory manner in regard to repairs, removal of obstructions and other matters.

Section Two. Amendment.

Town of Romulus, Local Law No. 1 of the Year 2015, "the Zoning Ordinance for the Town of Romulus," at "Article XIV, Property Maintenance, Section 4. Minimum Conditions, B. Exterior Property Areas, 3.3, Sidewalks and driveways" is hereby amended as follows:

- A. All sidewalks, (including any median between the sidewalk and the highway), walkways, stairs, driveways, (including any driveway apron), parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions, including, but not limited to snow, ice, dirt or other material upon the sidewalk.
- B. It shall be the duty of the owner and occupant of the real property (hereinafter in this article referred to as the "owner" and "occupant") abutting any sidewalk (including any median between the sidewalk and the highway), walkways, stairs, driveways (including any driveway apron), parking spaces and similar areas, including, but not limited to the intersection quadrant for corner property, to maintain such areas in a reasonably safe condition, regardless of whether such sidewalk might be within the town's right of way or upon the town's property.
- C. The owner and occupant of premises abutting on any street where a sidewalk, walkway, median or driveway apron has been laid (hereinafter in this article referred to as the "owner" and "occupant") shall keep the sidewalk, walkway, median or driveway apron in front of such premises free and clear from snow, ice, dirt and other materials and obstructions and shall, within 24 hours after the snow ceases to fall or after the deposit of any dirt or other materials and obstructions upon such sidewalk, median, or driveway apron, remove the snow, ice, dirt and other materials and obstructions from same regardless of whether such sidewalk might be within the town's right of way or upon the town's property.
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- E. Notwithstanding any other provision of law, the owner and occupant of real property, abutting any sidewalk, walkway, median or driveway apron, including but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such area in a reasonably safe condition, regardless of whether such sidewalk, median or driveway apron might be within the town's right of way or upon the town's property.
- F. Notwithstanding any other provision of law, the town shall not be liable for any injury to property or personal injury, including death, proximately caused by the owner's and/or occupant's failure to maintain such sidewalk, walkway, median or driveway apron in a reasonably safe condition.
- G. Nothing herein shall be deemed a waiver by the town of the provisions of Town Law § 65-a of the State of New York, or any duly enacted local law, requiring prior written notice of defects in the sidewalk as a condition precedent for a civil action against the town or town superintendent of highways for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks.

Section Three. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section Four. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

NOW, THEREFORE, BE IT RESOLVED that Proposed Local Law No. A of the Year 2016, "A local law to amend Town of Romulus, Local Law No. 1 of the Year 2015, 'the Zoning Ordinance for the Town of Romulus,' at "Article XIV, Property Maintenance, Section 4. Minimum Conditions, B. Exterior Property Areas, 3.3, Sidewalks and driveways'," be and the same is hereby introduced before the Town Board of The Town of Romulus, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desks of each member of the Town Board; and

BE IT FURTHER RESOLVED that the Town Board hold a public hearing on said proposed Local Law at the Town Office Building, 1435 Prospect Street, Willard, New York 14588 at 7:30 p.m. on the 17 day of February, 2016; and

BE IT FURTHER RESOLVED that the Town Clerk, with the assistance of the Town Attorney, refer The aforesaid proposed local law to the planning board of the County of Seneca for review pursuant to General Municipal Law 239-m; and

BE IT FURTHER RESOLVED that the Town Clerk, with the assistance of the Town Attorney, post copies on the official bulletin board (s) of the Town and publish or cause to be published a notice of said public hearing in the official newspaper of the Town and must conspicuously post notice of the time and place of same up the town's official website at least ten (10) days prior thereto.

BE IT FURTHER RESOLVED that the Town Clerk, with the assistance of the Town Attorney, shall cause service to written notice of the proposed local law at least ten (10) days prior to the date of the public hearing of any proposed regulations, affecting property within five hundred feet of the following made personally or by mail by the town upon each person or persons listed below: (a) The property of the housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto; (b) The boundary of a city, village or town; upon the clerk thereof; (c) The boundary of a county; upon the clerk of the board of supervisors or other person performing like duties; (d) The boundary of a state park or parkway; upon the regional state park commission having jurisdiction over such state park or parkway.

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by: Councilman Supervisor David Kaiser

Seconded by: Councilman Michael Joslyn

| | YEA | NAY | ABSENT | ABSTAIN |
|-------------------------|--------|-----|--------|---------|
| Councilman Joslyn | [xx] | [] | [] | [] |
| Councilman Walborn, Jr. | [xx] | [] | [] | [] |
| Councilwoman Jackson | [] | [] | [xx] | [] |
| Councilman Collinsworth | [xx] | [] | [] | [] |
| Supervisor Kaiser | [xx] | [] | [] | [] |

Carried:

This Resolution was thereupon duly adopted.



Marjorie Van Hyning, Town Clerk
Town of Romulus