

# 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. 1 of the year 2016.

FILED  
STATE RECORDS

APR 27 2016

DEPARTMENT OF STATE

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.)**

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 41 of 2016 of the (County)(City)(Town)(Village) of Romulus was duly passed by the Town Board (Name of Legislative Body) on March 16, 2016, in accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 200\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, (Elective Chief Executive Officer\*) in accordance with the applicable provisions of law.

3. ~~(Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. Such local law (Elective Chief Executive Officer\*) was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2002 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, (Elective Chief Executive Officer\*) 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, 20\_\_, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

*Marjorie Van Hyning*

Date: *April 21, 2016*

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney or locality.)**

STATE OF NEW YORK  
COUNTY OF SENECA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature:

*R. M. [Signature]*

Title: Attorney  
Town of Romulus

Date: *4-13-16*

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