S T A T E O F N E W Y O R K

7097

2015-2016 Regular Sessions

I N A S S E M B L Y

April 23, 2015

Introduced by M. of A. BROOK-KRASNY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to icicle removal

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding a new section 270.40 to read as follows:

S 270.40 ICICLE REMOVAL.

1. EVERY OWNER, LESSEE, TENANT, OCCUPANT, OR OTHER PERSON, HAVING CHARGE OF ANY BUILDING OR LOT OF GROUND ABUTTING UPON ANY STREET WHERE THE SIDEWALK IS PAVED SHALL, WITHIN THREE DAYS OF THE FORMATION OF ICICLES ON SUCH BUILDING, CAUSE THOSE ICICLES OVERHANGING ENTRANCEWAYS, EXITWAYS, AND OTHER COMMONLY USED PATHWAYS TO BE SAFELY REMOVED.

2. ANYONE WHO KNOWINGLY VIOLATES ANY TERM OF SUBDIVISION ONE OF THIS SECTION SHALL CONSTITUTE A CIVIL PENALTY IN THE AMOUNT OF THREE HUNDRED DOLLARS FOR THE FIRST VIOLATION AND FIVE HUNDRED DOLLARS FOR THE SECOND VIOLATION. A THIRD AND SUBSEQUENT VIOLATION SHALL CONSTITUTE A MISDEMEANOR EXCEPT THAT A SEVENTH AND SUBSEQUENT VIOLATION OR A VIOLATION LEADING TO PHYSICAL INJURY OR PROPERTY DAMAGE SHALL CONSTITUTE A CLASS E FELONY.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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