

9092

I N A S S E M B L Y

January 25, 2016

Introduced by M. of A. DenDEKKER, BENEDETTO, COOK, LENTOL, MILLER, ROZIC, SIMANOWITZ, SIMON, TITONE, WEPRIN -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, the second class cities law, and the general municipal law, in relation to the maintenance of sidewalks; and to repeal sections 16-123 and 19-152 of the administrative code of the city of New York relating thereto

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

1 Section 1. Subdivision 4 of section 130 of the town law is amended to
2 read as follows:

3 4. Sidewalks. Regulating the manner of construction, reconstruction
4 and repair of sidewalks, the materials to be used, the grades and the
5 widths thereof and prohibiting any construction, reconstruction or
6 repair which does not comply with such regulations[; requiring the owner
7 and occupant of premises abutting on any street where a sidewalk has
8 been laid, to keep the sidewalk in front of such premises, free and
9 clear from snow, ice, dirt and other obstructions and upon default ther-
10 eof provide for the removal thereof at the expense of the owners of such
11 premises and that such charge shall become a lien upon the premises
12 benefited thereby, until paid].

13 S 2. Section 92 of the second class cities law is amended to read as
14 follows:

15 S 92. Repair of sidewalks; removal of snow and ice. The commissioner
16 of public works shall have full power and authority to [require the
17 owner of property abutting upon a street to] repair any sidewalk [in
18 front thereof] ABUTTING UPON A STREET or bring the same to true grade,
19 and to remove the snow and ice therefrom. [Where the owner of such prop-
20 erty shall fail or neglect to repair any sidewalk or bring the same to
21 true grade for five days after written notice so to do has been served
22 on him, either personally or by delivering the same at his residence, or
23 if he be a non-resident by mailing the same to him at his last known
24 place of residence, or if the name of the owner or his place of resi-
25 dence can not be ascertained after due diligence, by posting the same in

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

LBD13151-01-5

1 a conspicuous place upon the premises; or where the owner of any such
2 premises shall fail or neglect to remove snow and ice from any such
3 sidewalk after the same has remained thereon for more than twelve hours,
4 and the commissioner shall have repaired such sidewalk or brought the
5 same to grade or removed the ice or snow therefrom, a bill for the
6 expenses incurred thereby shall be presented to the owner personally or
7 by leaving the same at his residence or, if he be a non-resident, by
8 mailing the same to him at his last known place of residence, or, if the
9 name of such owner or his place of residence can not be ascertained
10 after due diligence, by posting the same in a conspicuous place on the
11 premises; and, if he shall fail to pay the same within ten days there-
12 after, the commissioner shall file each year immediately preceding the
13 time for making the annual assessment-roll his certificate of the actual
14 cost of the work, together with a statement as to the property in front
15 of which the repairing or grading or cleaning was done, with the asses-
16 sors of the city, who shall, in the preparation of the next assessment-
17 roll of general city taxes, assess such amount upon such property, and
18 the same shall be levied, corrected, enforced and collected in the same
19 manner, by the same proceedings, at the same time, under the same penal-
20 ties and having the same lien upon the property assessed as the general
21 city tax and as a part thereof.]

22 S 3. Section 16-123 of the administrative code of the city of New York
23 is REPEALED.

24 S 4. Section 19-152 of the administrative code of the city of New York
25 is REPEALED.

26 S 5. The general municipal law is amended by adding a new section 96-c
27 to read as follows:

28 S 96-C. MAINTENANCE OF SIDEWALKS. THE GOVERNING BOARD OF ANY COUNTY,
29 CITY, TOWN OR VILLAGE SHALL REGULATE THE CONSTRUCTION, MAINTENANCE OR
30 USE OF SIDEWALKS ABUTTING STREETS WITHIN THE COUNTY, CITY, TOWN OR
31 VILLAGE; PROVIDED, HOWEVER, THAT NO COUNTY, CITY, TOWN OR VILLAGE SHALL
32 REQUIRE THE OWNERS OF PROPERTY ABUTTING SUCH STREETS TO MAINTAIN SUCH
33 SIDEWALKS.

34 S 6. This act shall take effect immediately.