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

6896

I N S E N A T E

March 4, 2016

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

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

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

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

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

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

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

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

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

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

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

S 6. This act shall take effect immediately.