

STREETS AND SIDEWALKS

Chapter 148

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Town Board of the Town of Shawangunk: Art. I, 5-12-77 as L.L. No. 6-1977: Art. II, 5-12-77 as No. 7-1977. Sections 148-5A and 148-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

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§ 148-1                      SHAWANGUNK CODE                      § 148-3

ARTICLE I  
Obstructions; Snow and Ice Removal  
[Adopted 5-12-77 as L.L. No. 6-1977]

- § 148-1. Responsibility for clearing sidewalks.  
Every owner, occupant, lessee or person entitled to possession of any land in the Town of Shawangunk Wallkill Sidewalk District shall keep the sidewalks abutting such lands free from obstruction by

snow, ice or icy conditions and shall at all times maintain the same clean, free from filth, dirt, weeds or other obstructions or encumbrances, including but not limited to discharge of water upon sidewalks by mechanical devices, such as air conditioners, or other means.

§ 148-2. Obstruction of sidewalks.

No owner, occupant, lessee or person entitled to possession of any premises abutting on any street, road, highway or parkway in the Town of Shawangunk Wallkill Sidewalk District shall place, keep, permit or suffer to be placed or kept on any sidewalk in front of, adjoining or adjacent to such premises any goods, wares, merchandise, boxes, barrels, display signs or material things of any kind or description or shall in any manner obstruct any such sidewalk or in any manner obstruct or interfere with the use of any such sidewalk, but nothing contained in this Article shall prevent persons from placing goods, wares, merchandise or household furniture on the sidewalk temporarily while loading or unloading the same, provided that it be done without unnecessary delay, and provided that such goods, wares or merchandise are not allowed or permitted to remain on such sidewalk within the prohibited area for a longer period than one (1) hour.

§ 148-3. Notice of offense; abatement required; removal by district when necessary.

Written notice of violations of the provisions of this Article shall be served by the Town of Shawangunk Police Department, or other town officer, employee or agency as may be designated by the Town

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Board, upon the owner and occupant, lessee, person entitled to possession or other adult person on the premises abutting the sidewalk on which the violation exists, describing the violation and requiring the forthwith removal of the conditions constituting such violation. In the event that such premises are untenanted or vacant or, if tenanted or occupied, the tenant, occupant or other adult person cannot with due diligence be found on the premises, or in the event that notice of violation is served and the violation is not forthwith remedied, the Town Board is authorized and directed to cause the same to be done at the expense of the district, and any and all such expenses to be audited by the Town Board and paid by the district.

**§ 148-4. Reimbursement to district for removal of conditions.**

The Town of Shawangunk Wallkill Sidewalk District shall be reimbursed for the complete cost for the removal of conditions constituting violations of the provisions of this Article by the owner or owners of the respective premises by assessment upon and collection from premises benefited by such removal, and said assessment shall be collected in the same manner and at the same time as other Town of

Shawangunk Wallkill Sidewalk District charges.

**§ 148-5. Penalties for offenses.**

- A. In addition to other remedies provided by law, any person violating any provision of this Article shall be deemed guilty of an offense and, upon conviction thereof, shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for a term not exceeding fifteen (15) days, or both.<sup>1</sup>
- B. Proceedings for enforcement of this Article may be commenced by the issuance of an appearance ticket pursuant to § 150.20 of the Criminal Procedure Law by a town police officer before the Town of Shawangunk Justice Court.

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1. General Provisions. Art. I.

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§ 148-6                                      SHAWANGUNK CODE                                      § 148-8

ARTICLE II  
**Notification of Defects**  
[Adopted 5-12-77 as L.L. No. 7-1977]

**§ 148-6. Written notice required prior to civil action.**

No civil action shall be maintained against the town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge or culvert was actually given to the Town Clerk or Town Superintendent of Highways and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; but no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge or culvert unless written notice thereof specifying the particular place was actually given to the Town Clerk or Town Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

**§ 148-7. Duties of Superintendent of Highways and Town Clerk.<sup>2</sup>**

The Town Superintendent of Highways shall transmit in writing to the Town Clerk, within ten (10) days after the receipt thereof, all written notices received by him pursuant to this Article and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received by him or her pursuant to this Article and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within five (5) days after receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

**§ 148-8. Effects on statute.**

This Article shall supersede in its application to the Town of Shawangunk Subdivisions 1 and 3 of § 65-a of the Town Law.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.