

***RELATIVE TO AMENDING CHAPTER 731 OF THE CODIFIED ORDINANCES ENTITLED
“STREETS AND SIDEWALKS”***

BY:

Council Chairman Kenny Tompkins

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 731 of the Codified Ordinances entitled “STREETS AND SIDEWALKS” is hereby amended such that §§ 731.01, 731.06, 731.07 and 731.99 shall read as follows:

731.01 SIDEWALKS TO BE KEPT CLEAN AND IN **GOOD** REPAIR.

[It shall be the duty of every owner of premises fronting on a public street to keep the sidewalk in front of same unobstructed, clean and in good order and repair.] Each owner of any premises fronting or abutting on any street shall repair, keep safe and maintain all public sidewalks abutting the premises, including but not limited to keeping all improved portions thereof - whether made of stone, asphalt, concrete, brick or another type of paver, or any combination of same - free and clear of snow, ice, dirt, refuse, obstruction or other hazard. Any such owner shall be liable for any injury or damage by reason of omission or failure to repair, keep safe and maintain such sidewalk, or negligence in performing those functions. (C. 1 §5, adopted [12/29/19] 12/29/1919, amended / / .)

731.06 **REPEALED** [SNOW REMOVAL BY OWNER.]

It shall be the duty of every owner or occupant of premises fronting on any street or alley to remove all snow from the sidewalk in front of such premises before 9:00 a.m., each day if such premises are used for business purposes, and before 12:00 noon each day if such premises are used for other than business purposes. The snow shall be removed the full width of the flagging or paved walk. In case the walk is not flagging or paved, it shall be necessary to remove such snow for a space of five feet in width only. (C. 1 §11, adopted 1/21/24.)

731.[06]07 **CORRECTIVE ACTION** [SNOW REMOVAL] BY CITY.

It shall be the duty of the Director of Public Works to enforce the provisions of Section 731.01[6] and, in case of any violation that comes to the attention of the Director, he or she is empowered and may choose, in their sole discretion and consistent with Article VI of the City Charter, [directed] to take corrective action, such as removing snow and/or ice from the improved portions of such public sidewalks, and to charge the cost thereof to each [the] owner [or occupant] of the abutting premises. The Director shall keep an account of all such expenses incurred, and on or before May 1 in each year shall make a detailed report to Council of such expenses and of the land in front of which such corrective action work shall have been performed, and the names of the owners [or occupants] who have not paid to the Director the amount of such expenses. The Council shall thereupon order the same assessed upon such premises in the next assessment roll. (C. 1 §12, adopted 12/29/[19]1919, amended / / .)

Kennedy _____ Soda _____ Spanbauer _____ Voccio _____ Tompkins _____

731.99 PENALTY.

[(a) Any person violating Section 731.09 shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than six months or both. (C. 1 S30, adopted 6/2/[24]1924.)

(b) Any person violating Section 731.14 shall be fined not more than five dollars (\$5.00) or imprisoned not more than six months or both. (C. 1 S38, adopted 12/29/[19]1919.)]

Any firm, person, or corporation who shall violate any provision of this Chapter shall be punished by a fine not more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or both. Each day in which any violation shall continue shall be deemed a separate offense.

Bold and Underline Indicate **Additions**
Bold and **Brackets** Indicate **[Deletions]**

Kennedy _____ Soda _____ Spanbauer _____ Voccio _____ Tompkins _____