

Chapter 121
STREETS AND SIDEWALKS

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Removal of Snow and Ice

- § 121-5. Purpose.

[HISTORY: Adopted by the Town Board of the Town of Rochester: Art. I, 8-2-1984 by L.L. No. 8-1984; Art. II, adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

ARTICLE I
Notification of Defects
[Adopted 8-2-1984 by L.L. No. 8-1984]

§ 121-1. Purpose.

The purpose of this article is to provide for written notification of defects and obstructions on town highways, bridges, culverts and sidewalks in the Town of Rochester.

§ 121-2. Notice.

No civil action shall be maintained against any town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, culvert or sidewalk being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert or sidewalk 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, culvert or sidewalk 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.

§ 121-3. Notice to Town Board by Town Clerk.

The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk within five 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 of the State of New York. The Town Clerk shall cause all written notices received by said Town Clerk pursuant to this article and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

§ 121-4. Applicability.

This article shall supersede in its application to the Town of Rochester § 65-a, Subdivisions 1 and 3, of the Town Law of the State of New York.

ARTICLE II

Removal of Snow and Ice

**[Adopted at time of adoption of Code (see
Ch. 1, General Provisions, Art. I).]**

§ 121-5. Purpose.

The purpose of this article shall be to preserve the public peace and good order in the town, to contribute to the public welfare, safety and good order of its people and to contribute to the safe conveyance of its people over the streets and sidewalks of the town by establishing certain regulations for the removal of snow and ice from the streets and sidewalks of the town that are consistent with the rights and privileges of other residents of the town.

§ 121-6. Duty to keep sidewalks clear.

It shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice for the full paved width of such sidewalk.

§ 121-7. Time limit for removal.

Snow and ice shall be removed within 24 hours after the end of a snowfall.

§ 121-8. Regulations to apply in cases of severe icing.

In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified in § 121-7, be strewn and kept strewn

with ashes, sand, sawdust or other suitable material so as to be no longer dangerous to life and limb. As soon as practicable thereafter, the sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this article.

§ 121-9. Removal by town.

Whenever the owner or occupant of any parcel of real estate adjoining a public sidewalk fails to remove the snow and ice from such sidewalk adjoining such property within the time specified in this article or within 24 hours after notice by the Town of Rochester to remove the same, it shall be the duty of the Town Superintendent of Highways to remove or cause to be removed said snow and ice from such sidewalk and to notify the Town Clerk of the expense incurred by the amount of labor, equipment and materials used.

§ 121-10. Cost of removal by town.

The Town Clerk shall promptly present to the owner or occupant of each parcel a bill for the removal of snow and ice as certified by the Town Superintendent of Highways. If not paid within 30 days, the cost thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent property taxes.

§ 121-11. Snow and ice falling from buildings.

The owners or occupants of buildings adjacent to public sidewalks shall prevent the falling of snow, ice and water from such buildings upon said public sidewalks.

§ 121-12. Conflicts with other provisions.

In the event that this article conflicts or is inconsistent with any other town law or ordinance, this article shall apply.