

LOCAL LAW #1 OF 2011
A LOCAL LAW GOVERNING THE INSTALLATION AND
MAINTENANCE OF SIDEWALKS IN THE VILLAGE OF AURORA

As and for a local law governing the installation and maintenance of sidewalks in the Village of Aurora, to promote health, safety, and the common good by encouraging pedestrian use, the Aurora Village Board of Trustees hereby, upon the motion of Trustee Farenthold, and the second of Trustee MacCormick, does enact, find, and adopt the following:

1. Installation of sidewalks by the Village as a public charge. Periodically from time to time, the Village Board of the Village Board of Trustees, by a majority vote, may adopt a resolution to construct, re-construct, install, improve, and/or replace any sidewalk or sidewalks within a public right of way as a general public charge. In resolving to construct, re-construct, install, improve, and/or replace any sidewalk as a general public charge, the Village Board shall first make a determination and enunciate the rationale for that determination, that the sidewalk in question does benefit the public at large. No sidewalk shall be installed or improved or re-constructed as a general public charge unless said sidewalk benefits the public at large.

2. Installation of sidewalks by private property owners. Any property owner may install, improve, construct, or re-construct a sidewalk within the Village of Aurora's public rights of way at his or her own expense, so long as;

- a. The said sidewalk configuration, size, depth, width and materials conform any and all sidewalk specifications of the Village of Aurora; and

b. The Village Board of Trustees, by majority vote, resolves to grant the private property owner permission to install, improve, construct, or reconstruct said sidewalk. The Village Board shall choose to grant or not grant, said permission in its unfettered discretion.

3. Sidewalk maintenance other than snow and ice removal.

a. Maintenance of sidewalks installed by the village prior to the adoption of Local Law 1 of 2011. Any sidewalk installed or reconstructed pursuant to the authority of paragraph “1” above, shall thereafter be maintained for ordinary wear and tear and breakage by the Village as a public charge. For maintenance of sidewalks required other than ordinary wear and tear, to wit: damage due to sudden trauma and/or negligence, the cost of repair of said damage shall be the obligation of the responsible party and shall be repaired within fifteen (15) business days, weather permitting. Discretion for granting an extension of the time to repair beyond fifteen (15) days due to weather lies with the Village Maintenance Department.

b. Maintenance of other sidewalks installed by the village prior to the adoption of this local law, and not listed on the annexed Schedule A, as well as any sidewalks installed by private property owners shall continue to be conducted pursuant to the provision of the Aurora’s street and sidewalk ordinance adopted September 4, 1958; to wit: the owner, occupant, or person in charge of premises fronting a sidewalk shall be responsible for maintaining that portion of said sidewalk.

c. Non-conforming sidewalks. Under no circumstance shall the Village of Aurora repair or improve or maintain as a public charge a sidewalk which has been privately constructed and which does not conform with the Village sidewalk specifications.

4. Snow removal. The Village Board of Trustees hereby amends a portion of the Ordinances of the Village of Aurora adopted September 4, 1958 regarding responsibility for the removal of sidewalk snow. Although the said 1958 ordinance does place responsibility for snow removal upon affronting occupant, in the decades since 1958, the Village of Aurora has developed a pragmatic practice of removing snow on some sidewalks within the village as a general public charge. The rationale for this practice is that a number of homes in Aurora are vacant in the winter, so there is no resident occupant to clear sidewalk snow in these summer homes. The Village Board of Trustees hereby finds that the clearing of sidewalk snow at the addresses listed on annexed Schedule A, which are sidewalks well-traveled by pedestrians does benefit the public at large; hence, the Village shall continue its practice of sidewalk snow removal in certain portions of the Village pursuant to the discretion of the Village of Trustees. The addresses of these sidewalks in the Village on which the Village presently removes snow are listed on annexed Schedule A. The Village will continue its practice of removing snow on sidewalks listed on "Schedule A." The Village board of Trustees shall in the future have the unfettered discretion to add sidewalks to or delete sidewalks from Schedule A, by resolution, so long as said addition or deletion benefits the public at large, as determined by the Board of Trustees.

Roll Call Vote.

	Aye	Nay	Absent
George E. Farenthold, Trustee	<u>✓</u>	<u> </u>	<u> </u>
Elisabeth K. MacCormick, Trustee	<u>✓</u>	<u> </u>	<u> </u>
Janet M. Murphy, Trustee	<u>✓</u>	<u> </u>	<u> </u>
Marie R. Taylor, Trustee	<u>✓</u>	<u> </u>	<u> </u>
Bonnie Apgar Bennett, Mayor	<u>✓</u>	<u> </u>	<u> </u>

So adopted this 16th day of February, 2011.

LOCAL LAW #1 FOR 2011 – SCHEDULE A

CHERRY AVENUE

12	Mapstone
16	Haring
17	Fitzgerald
21	Burkett

ORCHARD LANE

1	Wells College
2	Groth

DUBLIN HILL

3	Wahlen
6	Driscoll
10	Dunn
11	Fitzgerald
16	MacCormick
20	Hoffman
24	Steiner

WELLS ROAD

12	Brownell House – Wells
18	Richmond House – Wells
27	Eagle Cottage – Wells

MAIN STREET

165	Thomas
185	Wells Boat House
231	Hickey House – Wells
245	Hickey House – Wells
255	Bennett
261	Haenlin
267	Fitzgerald
271	Wiegand
275	Bakeman
281	Arleo

283	Dorie's
289	Gunderson
293	McGuire
299	Parish House
303	Catholic Church
311	Morgan House – Wells
323	Holland
325	Scipio Masonic Lodge
327	Koepp/Place
331	Zwigard
337	United Ministries Church
347	Zabriskie
349	Zabriskie
351	Knight
353	Mattingly
355	Mattingly
359	Brennan
363	Bennett
371	Aurora Place - Wells
373	Aurora Post Office
308	Holcroft House – Wells
378	Rowland
381	Bet the Farm
384	Fargo
385	Village Market
391	Aurora Inn
396	Taylor House – Wells
397	Cayuga Lake National Bank
401	Bianconi
403	Purcell
405	Taylor
413	Reynolds
419	Fitzgerald
425	Dentes
431	E.B. Morgan House
441	Zabriskie
453	Rowland
459	Rezzonico
461	Peter
491	Eldred
503	O'Hearn
509	Signorelli
513	Potter
515	Mindemann
521	Oplinger
523	Weber

531	Clark
535	Zabriskie
581	Reilley
418	Finch/Shakelton Funeral Home
428	Maloney
370	Aurora Free Library
432	Marshall
434	Balzac
436	Reuss
442	Dupee
444	Boutwell/Bates
448	Rafferty
302	Patrick Tavern

SHERWOOD ROAD

12	Patella
16	Penniman
46	DiSanto
56	Losurdo
64	Tobey
70	Carlisle
84	Schaffer
98	Taromina

COURT STREET

36	MacCormick
44	VanDuyne
50	Orman
56	Murphy
62	Avery
64	Clements
70	Fitzgerald
78	Bates