

**Council Member Golby introduced the following:**

**Ordinance 38.91.17**

**AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323  
(STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY**

**BE IT ENACTED by the Common Council of the City of Albany as follows:**

**Section 1. Article I of Chapter 323 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 323-21 Snow and ice removal from sidewalks and streets.**

**A.**

Within 24 hours of the cessation of a snowfall and at such other occasions requiring the same, every owner or occupant of any house or other building and the owner or proprietor, lessee or person entitled to the possession of any vacant lot, parking lot or gasoline service station and every person having the charge of any church, cemetery, jail or other public building in this City shall clear the sidewalks in front of such house or other building and in front of such lot of snow and ice and keep them conveniently free therefrom or shall, in case the snow and ice are so congealed that they cannot be removed without injury to the pavement, cause said snow and ice to be strewn with ashes, sand or the like and shall also at all times keep such sidewalk clean and free from all dirt, filth or other obstruction or encumbrances so as to allow the use of said sidewalks in an easy and commodious manner.

**B.**

In no event shall any owner or proprietor, lessee or person entitled to the possession of any vacant lot, parking lot, gasoline service station or public garage cast, shovel or otherwise deposit snow and/or ice in the roadway of any public street in the City of Albany or upon any public sidewalk and/or crosswalk in said City.

**C.**

The Commissioner of General Services shall promulgate rules to gather complaints and shall deploy the necessary personnel to investigate complaints as set forth in section 323-22 ~~and issue a notice to clear the sidewalk if necessary within 24 hours of such complaint.~~ If such complaint is brought against a county, state, or federal entity, that entity shall be notified of the complaint and urged to clear the sidewalk ~~within 24 hours~~ as soon as possible.

**§ 323-22 Commissioner of General Services; cleaning snow and/or ice off sidewalks; costs.**

**A.**

Where there has been a failure to comply with the requirements of § **323-21** ~~within 24 hours~~, the Commissioner of the Department of General Services or his or her designee may, in his or her discretion, cause said sidewalk to be cleaned of snow and/or ice, the cost of which shall be charged to the owner of the property adjacent thereto, and, if unpaid within the time prescribed, shall be added to the tax bill assessing said property, which shall be and remain a lien against the property upon or adjacent to which the work is done and collected by the City from the owner of such property in the same manner as taxes are collected. The City may institute an action at law against such owner, owners or occupants to recover the cost thereof, which remedy shall be in addition to the right to assess the cost as a lien against the property. In no event shall such charge be less than \$75.

**B.**

No costs assessed herein shall be added to the tax bill nor shall any legal action be instituted by the City to recover such costs until the owner(s) or occupant(s) to be charged have been afforded an opportunity to be heard at a hearing convened by the Commissioner or his/her designee(s) in accordance with rules promulgated by the Commissioner to effectuate the same. A defense to an action instituted by the City as herein provided shall be the physical impairment of the owner or occupant.

**TO:** Gerald Campbell, City Clerk

**FROM:** Leah Golby, Council Member

**RE:** Request for Common Council Legislation  
Supporting Memorandum

**DATE:** August 21, 2017

**ORDINANCE NUMBER 38.91.17**

**TITLE**

**AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY**

**GENERAL PURPOSE OF LEGISLATION**

To promote pedestrian safety and mobility by removing the 24 hour additional grace period after a complaint has been made against a property that has not removed snow and ice from the sidewalk abutting its property.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Sidewalks cleared of snow and ice are a health and safety issue that must be addressed.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

It is requested that this be passed prior to November.

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

**FISCAL IMPACT(S)**

Minimal.

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