

Township of West Milford

Passaic County, New Jersey

~ Resolution 2011 - 169 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING A-3431 WHICH PROPOSES TO AMEND TITLE 59 BY GRANTING IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK INJURIES WHERE THE HOMEOWNER IS RESPONSIBLE FOR SIDEWALK MAINTENANCE BY ORDINANCE

WHEREAS, injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner; and

WHEREAS, in *Lodato v. Evesham*, the courts ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

WHEREAS, in the same case, the courts ruled that the town, not the homeowner was liable for accidents on defective sidewalks notwithstanding the ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Milford that the legislature is urged to adopt A3431 amending Title 59 so that a public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Governor Christopher Christie, Senator Joseph Pennachio, Assemblymen Alex DeCroce and Jay Weber, Senate President Sweeney, Assembly Speaker Oliver, Majority Leader Cryan, Minority Leader Kean Jr., the Municipal Excess Liability Joint Insurance Fund and the Morris County Joint Insurance Fund.

Adopted: May 4, 2011

Adopted this 4th day of May 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk