

RESOLUTION SUPPORTING A3431 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 Court 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 municipality, not the homeowner, was liable for accidents on defective sidewalks notwithstanding the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Harrison that the Legislature is urged to adopt A3431 amending Title 59 so that the public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the Legislative Delegation of the Third District, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

TOWNSHIP OF SOUTH HARRISON

BY: _____

JAMES MC CALL, MAYOR

ATTEST:

NANCY E. KEARNS, RMC, TOWNSHIP CLERK

CERTIFICATION

I hereby certify the above to be a true copy of the Resolution adopted by the Township Committee of the Township of South Harrison at a Special Meeting held on the 29th day of December, 2010.

NANCY E. KEARNS, RMC
TOWNSHIP CLERK