

**RESOLUTION 29 - 2011**  
**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

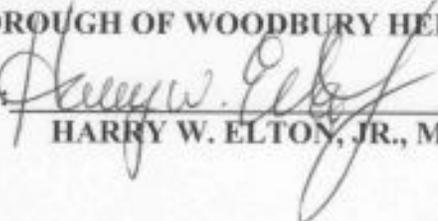
**Whereas**, in Lodato v. Evesham, the Court ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

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

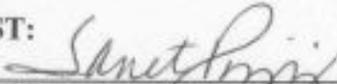
**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Woodbury Heights that the Legislature is urged to adopt A3431 amending Title 59 so that the public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance.

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

**BOROUGH OF WOODBURY HEIGHTS**

BY: 

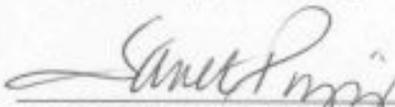
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**HARRY W. ELTON, JR., MAYOR**

ATTEST: 

\_\_\_\_\_  
**JANET PIZZI, BOROUGH CLERK**

**CERTIFICATION**

I hereby certify the above to be a true copy of the Resolution adopted by the Borough Council of the Borough of Woodbury Heights at a Regular Meeting held on the 19th day of January, 2011.



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**JANET PIZZI, BOROUGH CLERK**