

Exhibit A

521.06 DUTY TO KEEP PRIVATE AREAS OPEN TO THE PUBLIC REPAIRED AND CLEAN.

- (a) Installation and Maintenance Standards for Sidewalks and Sidewalk Areas. No owner or occupant of abutting land shall fail to keep the sidewalks, curbs or gutter in repair and free from snow, ice or any nuisance.
- (b) Installation and Maintenance Standards for Parking Lots and Driveways Open to the Public. In addition to the standards set forth in division (a) hereof, the following standards shall apply to the installation, improvement or maintenance of parking lots and driveways which are generally open and available to the public:
 - (1) A parking lot shall be surfaced in either concrete or asphalt and in accordance with the applicable specifications set forth in Chapter 1111 of the Village of Windham Codified Ordinances.
 - (2) All paved areas and surfaces of parking lots and driveways shall be maintained free of holes, loose materials such as stones or cinders or litter, and shall be free of scaling or pitting; repaired areas shall be made level and smooth and match in conformity and color with the material of adjacent areas.
 - (3) Each parking space within any parking lot and the location and direction of movement along driveways providing access thereto shall be indicated by painting on the surface and by raised directional signs, markers or other similar signals placed upon the surface.
 - A. directional markings, either on pavement or pole mounted and wheel stops by poles or curbing, shall be maintained in good condition and located so as to give reasonable notice to pedestrians and motor vehicle operators with respect to the flow of pedestrian and vehicular traffic upon such parking lots and driveways.
 - B. All signs, markers or other methods used to indicate the direction of traffic movement and the location of parking spaces shall be maintained in a neat and legible condition.
 - (4) Parking lots or driveways available and open to the public shall have a system of floodlighting installed and maintained to provide adequate standards of illumination during darkness over the parking lot or driveway area until the earlier of either 12:00 midnight or ~~until~~ one hour after closing of the adjacent or abutting businesses, and such lighting shall be shielded so that minimum glare will extend to or impose upon the users of adjacent property.
 - (5) Parking lots and driveways and adjacent sidewalks and curbing shall be maintained free from loose particles and debris, and snow shall be promptly plowed or moved and ice promptly removed by the owner, operator or lessee to insure the safe use of such areas by pedestrians and/or operators of motor vehicles upon such parking lot, driveway and adjacent sidewalks and curbing. Snow accumulations shall be trucked away from the premises when such accumulations obstruct or eliminate the use of more than 10% of the parking spaces available or required on the premises.
 - (6) Any walls, trees and shrubbery, as well as the surface of any parking lot or driveway, shall be maintained in good condition throughout its use for parking purposes. Walls, trees and shrubbery shall not disturb sight lines required for safe operation of vehicles. All exposed concrete walls shall be painted, finished and surfaces thereof shall be maintained.
 - (7) Parking lots and driveways open generally to the public shall not be used for overnight parking between the hours of 12:00 midnight and 6:00 a.m. or for any purpose whatsoever in the absence of an emergency and notice of that emergency given to the Department of Police by the owner or lessee of such motor vehicle and with the permission of the owner or operator of the premises on which the motor vehicle is parked or stored overnight.

(8) Ingress and egress upon the driveways to and from parking spaces shall be maintained at all times, and no motor vehicle may be left unattended unless parked in a designated parking space.

(c) The failure to maintain driveway and parking areas in conformity with the standards set forth in Code, and also free of hazards is hereby declared to be a nuisance. Driveways and parking areas shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians, operators of motor vehicles thereon, and other persons utilizing the premises, and shall be maintained free of unsanitary conditions, and upon notice from the Village Administrator, the owner or lessee of such premises shall promptly remove and abate such nuisance. It shall be the duty of the owner or operator of such premises to keep the premises free of such hazards which shall include, but are not limited to, the following:

(1) Refuse such as broken glass, garbage, trash, litter and debris.

(2) Natural growth such as brush, weeds, ragweed, tree stumps, roots and obnoxious growths, limbs or other natural growths which, by reason of rotting or deteriorating or casualties from storms or otherwise, constitute hazards to the safe use thereof.

(3) Ground surfaces shall be free of hazards or unsanitary conditions and free of holes or broken or missing pavement or scaling surfaces, or loose stones or breaks or obstructions or un-cleared snow or ice.

(4) The owner or operator of the premises shall be responsible to take reasonable steps to discover any safety hazards or unsanitary conditions which may exist and shall correct and abate and eliminate such hazards as set forth in divisions (c)(1), (2) or (3) hereof.

(d) In addition to any other penalty or sanction, civil or criminal, brought under this section, whoever violates this section is guilty of an unclassified misdemeanor. The fine upon conviction of a first offense of shall be \$150.00. The fine upon conviction of a second offense within one year of conviction of the first offense shall be \$250.00. The fine upon conviction of a third offense within three years of conviction of the first and second offenses shall be \$500.00. The fine upon conviction of a fourth offense within four years of conviction of the first, second and third offenses shall be \$1,000.00.

(e) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

