

**RESOLUTION NO. 15 -11**  
**CAMDEN COUNTY INSURANCE COMMISSION**  
**RESOLUTION SUPPORTING A3431 TO AMEND TITLE 59 BY GRANTING**  
**IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK INJURIES WHERE THE**  
**HOMEOWNER IS RESPONSIBLE FOR SIDEWALK MAINTANCE BY ORDINANCE**

**Whereas:** the Municipal Excess Liability Joint Insurance Fund is comprised of 389 member municipalities, 72 utility authorities, 2 counties, 26 first aid/fire districts, 88 housing authorities, 2 health commissions and 2 authorities.

**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

**Whereas:** In the same case, the courts ruled that the town, not the homeowner was liable for accidents on defective sidewalks not withstanding the ordinance.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF FUND**  
**COMMISSIONERS OF THE CAMDEN COUNTY INSURANCE COMMISSION**  
**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.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to members of the Municipal Excess Liability Joint Insurance Fund, Governor Christie, Senate President Sweeney and Assembly Speaker Oliver.

**CAMDEN COUNTY INSURANCE  
COMMISSION**

  
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CHAIRMAN

**Attest:**

  
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SECRETARY