

Chapter 20

STREETS AND SIDEWALKS*

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*Cross references—Notice of claims for street defects, etc., against town, § 2-81; motor vehicles and traffic, Ch. 14; snowmobiles, § 16-52 et seq.; visibility at intersections, § 24-702; all-terrain vehicles, dirt bikes, etc., § 24-706.

State law references—Town superintendent of highways, Highway Law, § 140 et seq.; town highways, Highway Law, § 170 et seq.; general authority relative to streets and sidewalks, Town Law, §§ 64(7), (9), (10), (10-b), (16), (19), 130(4), (7), (7-a), 200 et seq.

Sec. 20-79. Submission of proposed plans.

Prior to construction the developer shall submit to the town engineer and planning board for approval plans for the construction of all streets to be constructed, showing the proposed location of all improvements.

(Code 1966, § 18-14)

Sec. 20-80. Submission of "as built" plans.

After construction the developer shall submit to the town engineer "as built" plans showing the actual existing location of all improvements together with a written explanation for any variances from the proposed plans for which prior approval was not obtained from the town planning board or town engineer.

(Code 1966, § 18-15)

Sec. 20-81. Type of plans.

The proposed and "as built" plans shall be of the detail, type and nature as is required by the subdivision regulations and in addition as may be further required by the town engineer or planning board.

(Code 1966, § 18-16)

Sec. 20-82. Subsequent excavations.

No subsequent excavations shall be made within the paved portion of the street, nor between the curbs, except by permit signed by the town engineer or the town highway superintendent, except that persons maintaining utility lines, in case of an emergency precluding obtaining such prior authorization, may make such limited excavation in such areas as required by the emergency, and shall apply for a permit to complete any work so required. Except for the fact that either the town engineer or the town highway superintendent may issue such permit, to the extent applicable, the provisions of article III of this chapter shall apply to this article. Nevertheless, persons maintaining any utility line may at any time make excavations outside the paved portions and not within the curbs for maintenance purposes, provided such excavations do not damage nor undermine the paving, curbs, and other utility lines and facilities; and, persons holding a building permit, their agents, contractors and subcontractors may ex-

cavate outside the paved portion of the street and not within the curbs, to the extent necessary to extend utility laterals to the premises for which the building permit has been issued.

(Code 1966, § 18-17)

Sec. 20-83. Bond.

The developer shall post a bond with the town clerk to provide for maintenance and repair for one (1) year after the completion of all improvements within a given street or for one (1) year after its acceptance by the town, whichever period expires later. The bond shall run to the town and shall be in the amount of ten (10) percent of the total, original construction cost, as such cost shall be determined by the town engineer. In lieu of posting a bond, the developer may assign cash to the town or deposit cash with the town.

(Code 1966, § 18-18)

Secs. 20-84—20-100. Reserved.**ARTICLE V. BLOCK PARTIES*****Sec. 20-101. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block party means every party or other gathering of individuals which is carried on, conducted or held in or on a street, highway or roadway, or a portion thereof.

Highway or street means any road, highway or street accepted for public maintenance and use as a public thoroughfare.

(Code 1966, § 18-36(A))

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 20-102. Scope.

This article applies to all highways and streets in the town.

(Code 1966, § 18-36(B))

**State law reference*—Authority of town to regulate public assemblages on streets, Town Law, § 130(7).

Sec. 20-103. Permit.

(a) Any group of individuals who are residents of the town may apply to the town board for a permit to use a portion of a designated street or highway in the town for a party or other gathering to be designated a "block party," subject to the provisions of this article.

(b) No permit will be issued except for a portion of a street or highway which is generally contiguous to the properties owned and occupied by the group of individuals seeking the permit. Accompanying the application must be a written request that the permit be granted signed by the owners of at least eighty (80) percent of the residences along the portion of the street to be closed. With regard to rental property, however, the signature of the tenant may be substituted for the owner. Where the property is owned or rented by a husband and wife, the signatures of either shall be sufficient.

(c) A permit will be issued after submission of an official application in proper form to the town board by the town board meeting prior to the date requested for such block party. An application must be executed by a named individual who accepts responsibility for the actions of those individuals who attend the block party or are involved therein.

(d) The applicant for a permit shall accept full responsibility for the use of the highway or street utilized for the block party, and the financial responsibility for any undue damage to the street, right-of-way or any adjacent or contiguous property caused by any person attending the block party.

(e) Any permit may be revoked by the town board, the supervisor, the ordinance enforcement officer or a law enforcement officer for violating any provision of this article or any other provision of this Code, or for the creating of a hazard or nuisance to neighboring public or private property and/or the occupants thereof.
(Code 1966, § 18-36(C)(1)-(4), (D))

Sec. 20-104. Maintenance of safety, access.

The use of any street or highway or any portion thereof pursuant to this article shall be subject to

the maintenance of public safety by the appropriate town, county and state officials, and to the maintenance of access by residents of the area to their residences located within the closed portion of the street or highway. The applicant for a permit, and everyone under his auspices, shall be responsible for maintaining adequate access along the closed portion of the street for such purposes.
(Code 1966, § 18-36(C)(5))

Sec. 20-105. Hours of operation.

No block party shall continue past 12:00 midnight and all bands, music, amplification and loud noises at any block party shall cease at 11:00 p.m.
(Code 1966, § 18-36(C)(6))