

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.



ARTICLE I. IN GENERAL

Sec. 20-1. Assessment of curb costs.

The town board may apportion and assess upon and collect from the town the expense for the construction of curbs within the public streets located within the town. In no case, however, shall the total amount assessed against the town exceed fifty (50) percent of the total construction cost. Any such assessment shall be subject to the availability of funds as provided for in the town budget and must be approved by the majority of the members of the town board.

(Code 1966, § 18-1)

Sec. 20-2. Removal of snow, ice, etc., from sidewalks.

(a) The owner and occupant jointly, of every parcel of real estate that immediately adjoins the public land on which a sidewalk is located shall be the required responsible party for removal of any snow, ice, dirt or other hazard or obstruction deposited thereon.

(b) The required party shall immediately remove from the length and full paved width, any snow, ice, dirt or other hazard or obstruction deposited on a public sidewalk.

(c) If a required responsible party fails to adequately remove any snow or ice deposited on the public sidewalk within twenty-four (24) hours from the time that such snow or ice has been deposited thereon, the code enforcement official or the police department is empowered to give a notice of violation to the required responsible party and order that such snow or ice be removed with twenty-four (24) hours of such notice.

(d) If a required responsible party fails to adequately remove any obstruction, (other than snow or ice) deposited on the public sidewalk within forty-eight (48) hours from the time that such obstruction has been deposited thereon, the code enforcement official or the police department is empowered to give a notice of violation to the required responsible party and order that such obstruction be removed within forty-eight (48) hours of such notice.

(e) If a required responsible party fails to comply with any order for removal, the code enforcement official is empowered to issue an appearance ticket as outlined in section 1-8.

(f) If any obstruction of the public sidewalk is not eliminated by the above noted responsible party, as required by the enforcement official, the code enforcement official may arrange for the removal of any obstruction from such public sidewalk to be done by agents, or employees of the town, and the expense thereof shall be billed to the property owner of record. Failure to pay within 30 days shall constitute and be a lien upon the adjoining premises and be charged and assessed against the same.

(g) A conviction of this code section shall result in a fine of one hundred dollars (\$100.00) for a first offense and not more than five hundred dollars (\$500.00) for any offense thereafter.

(Code 1966, § 31-1; L.L. No. 11 of 2006, § 1)

State law reference—Authority of town to require removal of snow, ice, dirt, etc., and obtain lien for cost of removal, Town Law, § 130(4).

Secs. 20-3—20-25. Reserved.

ARTICLE II. SIDEWALK CONSTRUCTION AND RECONSTRUCTION*

Sec. 20-26. Compliance.

No sidewalk shall be constructed or reconstructed in the town to be used as a public walk without complying with the provisions of this article.

(Code 1966, § 31-2)

Sec. 20-27. Penalties generally.

Any person who constructs or reconstructs a public sidewalk in the town which is not in accordance with the provisions of this article or which has not been previously approved as to site, grade and method of drainage by the town surveyor or other proper officer of the town, or who neglects or refuses to comply with the orders or directions made pursuant to this article by the

**State law reference*—Authority of town to regulate sidewalk construction, repair, etc., Town Law, § 130(4).

town surveyor or other proper town officer, shall, after personal service of written notice requiring him to comply with this article or the orders or directions of the town surveyor or other proper town officer, be punished as provided in section 1-7.

(Code 1966, § 31-10)

Sec. 20-28. Additional penalties.

In addition thereto, and irrespective of the penalties set forth in section 20-27, any sidewalk constructed or reconstructed in violation of the provisions of this article or in violation of the orders or directions of the town surveyor or other proper town officer may be rebuilt or reconstructed under the directions of the town board in a manner so as to comply with the provisions of this article and the cost thereof shall be paid by the owner of the abutting land or the owner of the land upon which the public walk has been placed and upon failure or refusal to pay same, after thirty (30) days, the amount thereof shall be assessed against the owner of the land or the abutting owner and placed on the tax roll for collection.

(Code 1966, § 31-11)

Sec. 20-29. Inspection.

Prior to the construction or reconstruction of any sidewalk to be used as a public walk in the town, the proposed site of the walk and the proposed grade level and method of drainage, shall be approved by the town surveyor, or such persons as shall be designated by the town board.

(Code 1966, § 31-3)

Sec. 20-30. General specifications.

(a) Each public walk constructed or reconstructed shall consist of a mixture of one (1) part portland cement, two (2) parts fine aggregate and three and one-half (3½) parts of coarse aggregate and shall be worked and floated so as to give a smooth and uniform surface. Fine and coarse aggregate shall be measured either by volume or weight in an approved proportioning plant or by means of approved batch boxes. Wheelbarrows will not be permitted for measuring aggregates. The ratio of fine to coarse aggregate may be

varied slightly in order to secure maximum density or to promote workability, providing the proportion of the fine aggregate is not changed by more than ten (10) percent and providing a combined proportion of fine and coarse aggregate is constant. Sidewalks shall be built with transverse construction joints to the full depth of the concrete, spaced not more than five (5) feet apart and the edges of such joints finished with an edging tool. Premoulded bituminous joining shall, if required by the town surveyor, be placed between sidewalks and curbing, pavement or buildings. Concrete shall be cured for a period of not less than forty-eight (48) hours by keeping the surface wet on the application of an approved curing compound.

(b) All Portland cement shall be of standard brand and shall meet the requirements of the Standard Specifications for Portland cement of the American Society for Testing Materials (Serial Designation C-9-38 and C-77-40) together with any subsequent amendments. Fine aggregate shall consist of sand, dolomite or trap rock, stone screenings or tailings or a mixture of these shall conform to the following requirement and a sieve analysis when dry: Fine aggregate for concrete shall consist of grains or particles of hard or durable rocks, the surface of which are not coated with any injurious material. Any fine aggregate may be rejected if in the opinion of the town surveyor it contains sufficient deleterious or unsound material to be harmful. Fine aggregate shall be so graded that when dry, one hundred (100) percent shall pass a No. 4 sieve, fifty-five (55) to seventy-five (75) percent shall pass a No. 14 sieve, ten (10) to twenty-five (25) percent shall pass a No. 48 sieve, and two (2) to eight (8) percent shall pass a No. 100 sieve.

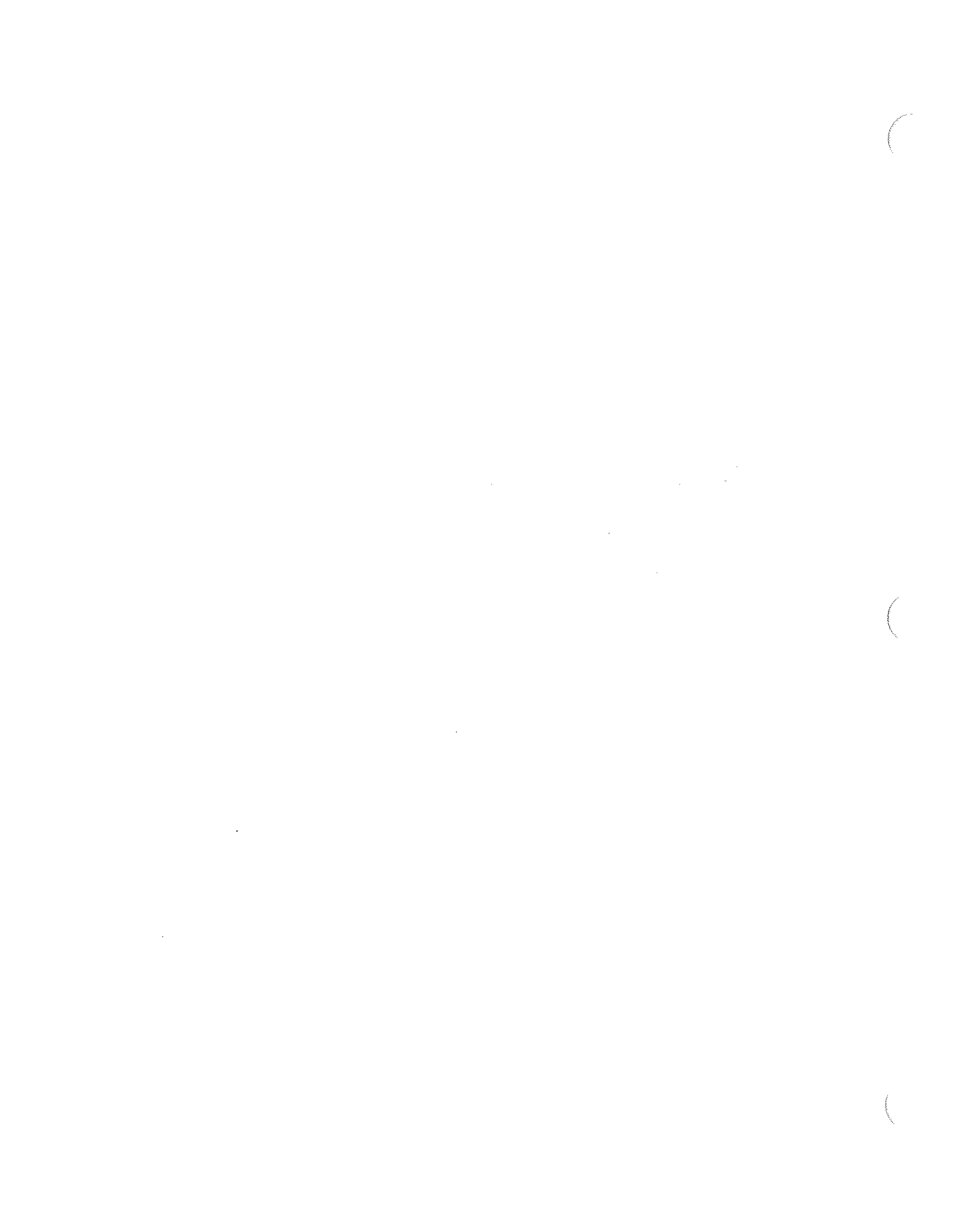
(c) All natural sand shall be thoroughly washed before using. All washed fine aggregate shall be stored in stockpiles for a period of at least twelve (12) hours before batching. It shall be rejected if it contains more than two (2) percent by weight or four (4) percent by volume of loam and silt. Coarse aggregate shall consist of well-graded uniformly mixed screened gravel, crushed gravel or broken stone. Coarse aggregate coated with or containing mud, clay or dirt, stone dust or quicksand or other objectionable material shall be washed to the

satisfaction of the town surveyor. Run of bank gravel or the use of so-called "conglomerate" shall not be permitted for concrete aggregate. Coarse aggregate shall consist of a mixture of No. 1 and No. 2 sized particles providing that no more than fifty (50) percent or less than thirty (30) percent shall be of No. 1 size, and not more than seventy (70) percent or less than fifty (50) percent shall be of No. 2 size. All concrete shall be mixed in an approved mixer. No continuous mixer shall be used. Mixing shall be continued for at least one (1) minute after all the materials are in the mixer drum at a speed of not less than fourteen (14) or more than twenty (20) revolutions a minute.

(Code 1966, § 31-9)

Sec. 20-31. One- and two-course walks.

The provisions of this article apply to one- or two-course walks, except that in the case of two-course walks, the bottom course shall consist of a mixture of one (1) part Portland cement, two (2) parts fine aggregate and four (4) parts coarse aggregate. This bottom course shall be a minimum of three (3) inches in depth. Within twenty (20) minutes after the bottom course is completed, the top course, consisting of a mortar mix of one (1) part Portland cement to two (2) parts of fine ag-



gregate shall be placed and the surface worked, floated and edged in the usual manner.
(Code 1966, § 31-6)

Sec. 20-32. Materials.

All sidewalks constructed or reconstructed under this article shall be of portland cement concrete, with a minimum width of four (4) feet and a minimum depth of four (4) inches, and, where soil conditions require, shall be laid on a bed of bank gravel or tamped cinders four (4) inches in depth to assure proper drainage.
(Code 1966, § 31-5)

Sec. 20-33. Hand mixing.

Hand mixing will not be permitted except by written permission of the town surveyor or other town officer or officers designated by the town board to give such approval, and then only in such manner as directed.
(Code 1966, § 31-7)

Sec. 20-34. Transit mixing.

Concrete may be mixed in approved transit mixers.
(Code 1966, § 31-8)

Sec. 20-35. Width.

No sidewalk shall be constructed or reconstructed having a width of less than four (4) feet.
(Code 1966, § 31-4)

Secs. 20-36—20-50. Reserved.

ARTICLE III. EXCAVATIONS, CURB CUTS, ETC.*

Sec. 20-51. Definition.

In this article "street" or "highway" means

*Cross references—Excavations generally, Ch. 7; nuisance excavations, § 15-1.

State law reference—General authority to regulate street excavations, Town Law, § 130(7).

any public street or highway owned and controlled by the town.
(Code 1966, § 32-1)

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

Sec. 20-52. Exceptions.

No permit, liability insurance or surety bond shall be required in the following instances:

- (1) For the erection of posts to hold mailboxes on the grass plot adjoining the used or paved portion of any street provided that the same are set back at least three (3) feet from the edge of the used or traveled portion thereof.
- (2) For the planting of shade trees, shrubs and the like in any grass plot adjoining the paved or used portion of any street or highway, provided that the same are properly set back from the used or paved portion thereof so as not to obstruct a corner view or endanger the users of such street or highway.
- (3) For the performance of any public work pursuant to a contract or other agreement entered into with the town board acting as such or on behalf of any lawfully created district in the town.
- (4) For the construction of line fences where half thereof are situated upon the premises of the owner and half thereof upon the public street, provided that the total width thereof does not exceed six (6) inches.

(Code 1966, § 32-9)

Sec. 20-53. Permit for obstructions.

No person shall remove from or deposit on any public street, highway, public place or sidewalk any dirt, gravel, stone or other material, without having first obtained a written permit from the superintendent of highways.

(Code 1966, § 32-2)

Sec. 20-54. Permit for excavations.

No person shall intentionally injure any pavement, road or highway surface, sidewalk or grass plot within the bounds of any such road, sewer,

catch basin, crosswalk, drain, gutter or other public ground, or any equipment imbedded in or placed in the ground or shall cause to be dug or made any hole or excavation in or under any public street or highway, or cause to be erected any sign, signpost, billboard, structure, barrier, pole or similar object, either affixed or unaffixed to the ground, without having first applied for and received a written permit from the superintendent of highways. (Code 1966, § 32-3)

Sec. 20-55. Permit for curb cuts.

No person shall intentionally install any curb cut on or in any road or highway or within any road or highway right-of-way without having first obtained a permit from the town superintendent of highways. No such permit shall be granted for work that does not comply with the following:

- (1) Residential driveways shall be provided with a twelve-foot curb cut, with eighteen-inch transitions on either end in which the curb will rise from the normal two-inch cut curb to the full six-inch curb and gutter section.
- (2) Where residential driveways merge upon a common property line, a single curb cut of twenty (20) feet shall be provided because of the overlap in the turning radius at the curbline.
- (3) Except in unusual circumstances the distance between curb cuts shall be a minimum of twenty (20) feet to allow for one (1) parking space, taking into consideration that this distance will have to be established, by existing driveway placements. Where driveways are not merged as in paragraph (2) above, a normal curb of whatever length possible shall be installed. The curb cut shall not be extended to the next driveway if the normal section, after transition, can be two (2) feet or more.
- (4) On major commercial driveways, such as truck entrances, gasoline stations, parking lots, etc., curb cuts shall be limited to twenty-four (24) feet. Where conditions warrant, two (2) curb cuts may be provided to accommodate a gasoline station, large parking lot or similar enterprise; however, a twenty-foot normal section shall be provided between these curb cut entrances.
- (5) The practice of driving across a sidewalk to slant or perpendicularly park between the sidewalk and the building in front of a commercial establishment shall be discouraged.
- (6) Curb cuts shall not be allowed within twenty-five (25) feet of the point of intersection of the curbline of intersecting streets.

(Code 1966, § 32-4)

Sec. 20-56. Excavation damages.

The person to whom an excavation permit is issued shall be responsible for all damages caused to public utilities in the street, and any cracked or damaged sewer pipe shall be replaced with new pipe, under the supervision of the sewer inspector. Damaged ditches, curbs, sidewalks or other improvements shall be repaired or replaced in as good a condition as before the excavation.

(Code 1966, § 32-5)

Sec. 20-57. Restoration of excavation.

Any excavation in any public street or highway shall be restored within the time granted in the permit, with approved bankrun gravel and shall be kept and maintained level with the unexcavated portion thereof for a period of one (1) year from the date of the permit, so that the excavated portion shall be left in as good, substantial and permanent a condition as before the excavation. If not so restored and maintained, the work shall be done under the direction of the superintendent of highways and the cost thereof shall be a lawful charge against the person to whom the permit was issued, and it shall be the duty of the superintendent of highways to sue for and recover such costs.

(Code 1966, § 32-6)

Sec. 20-58. Guarding of excavations.

No person making or having made any excavation in or upon any street or highway shall permit the excavation to remain open or uncovered without having or causing the same to be properly guarded and without placing at the location

flares, red lanterns or other warning devices by night, so as to properly warn all persons of the danger of the excavation.

(Code 1966, § 32-7)

Sec. 20-59. Surety bond and liability insurance.

No permit for the excavation in any street or highway shall be issued by the superintendent of highways, unless the person to whom the permit is to be issued shall have filed with the application for such permit a personal liability insurance policy or certificate thereof naming the town as an additional insured with the minimum limits of coverage for bodily injury equal to one million dollars (\$1,000,000.00) for each person injured, one million dollars (\$1,000,000.00) for aggregate bodily injury resulting from each accident and one hundred thousand dollars (\$100,000.00) property damage. There shall also be filed a surety bond in the amount of one thousand dollars (\$1,000.00) for each permit in favor of the superintendent of highways and the town guaranteeing compliance with the provisions of this article, together with a certified check or treasurer's check payable to the town superintendent of highways in the sum of twenty-five dollars (\$25.00) as a license fee.

(Code 1966, § 32-8)

Secs. 20-60—20-75. Reserved.

ARTICLE IV. UNDERGROUND UTILITIES

Sec. 20-76. 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:

Developer means any person submitting plans to the town board, town engineer, planning board, permit officer, building inspector or any combination thereof for the improvement of real estate.

Lateral utility lines means utility lines connecting trunk utility lines with individual parcels of land.

Streets means the public rights-of-way of existing streets, whether or not accepted by the town, and areas designated by any developer to be used as a public right-of-way upon any map, survey or plans which have been submitted for approval to the planning board or to the town board or which have been recorded with the county clerk.

Trunk utility lines means main utility lines conducting water, sewage, drainage, or electricity into or out of the subdivision, district or other general area.

Utilities, utility lines, utility facilities means water, sewer storm drainage, electric transmission pipes, wires, lines and any and all other conduits, together with all related facilities located underground within the street, or imbedded in the street, but not including poles imbedded in the portion of the street right-of-way outside of the paved portion of the street and/or outside of the curbs of the street.

(Code 1966, § 18-12)

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

Sec. 20-77. Purpose.

The purpose of this article is to regulate the construction of streets and installation of underground utility lines and facilities within existing and proposed streets within the town and to minimize additions and changes to utility lines and facilities within streets and to minimize damage to streets and to minimize inconvenience to the public resulting from such additions, changes and damage.

(Code 1966, § 18-11)

Sec. 20-78. Installation of utility lines and facilities.

Prior to the construction of either curbs or of the subbase of a street, all utility lines and facilities to the extent that they will be within the street shall be constructed in their entirety, for all utility trunk lines to be located within the street and for all laterals for each parcel fronting on the street and for any other parcel not fronting on the street but which will be serviced by laterals running from the street.

(Code 1966, § 18-13)

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))

