

- B. In addition to the above provided penalties, the Village Board of Trustees may also maintain an action in the name of the village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Chapter 52

STREETS AND SIDEWALKS

ARTICLE I Excavations

- § 52-1. Permit required.
- § 52-2. Applications.
- § 52-3. Fees.
- § 52-4. Liability insurance.
- § 52-5. Notice of excavation.
- § 52-6. Safety requirements.
- § 52-7. Regulations and specifications.

ARTICLE II Curbs and Sidewalks

- § 52-8. Construction according to grade.
- § 52-9. Construction requirements.
- § 52-10. Safety requirements.
- § 52-11. Sidewalk maintenance; violations,
- § 52-12. Installations between curb and property lines.
- § 52-13. Use of sidewalks.
- § 52-13A. Depositing snow onto streets or highways within the Village.
- § 52-13B. Replacement of sidewalks.

ARTICLE III Violations

- § 52-14. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson 9-10-74 as Local Law No. 6-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 60.

ARTICLE I

Excavations

§ 52-1. Permit required.

No person, firm or corporation, including public service companies and municipalities other than the Village of Port Dickinson, shall make any excavation in any street or highway in the Village of Port Dickinson for any purpose without first obtaining a permit therefor from the Code Enforcement Officer, as hereinafter provided.

§ 52-2. Applications.

- A. Application for permits shall be filed in writing with the Code Enforcement Officer upon application blanks which he shall provide or in such other manner as he shall from time to time prescribe. Applications shall state the nature, location, extent and purpose of the proposed excavation.
- B. Applications by public service companies must be accompanied by a general undertaking in such form as may be approved by the Board of Trustees. The said general undertaking is tendered to assure that after completing the excavation said applicant shall leave the street, highway, sidewalk, pavement, curb or gutter in the same condition as it was prior to the excavation.
- C. Applications by persons, firms or corporations other than public service companies for excavations in the street or highway must be accompanied by a minimum cash deposit of five hundred dollars (\$500.) with the Village Clerk to assure that after completing the excavation said applicant shall leave the street, highway, pavement and curb or gutter in the same condition as it was prior to excavation. In the event the applicant fails to repair or replace such pavement, curb or gutter in the time provided in the permit, the deposit of five hundred dollars (\$500.) shall be forfeited to the extent necessary to repair such surface as left undone by the applicant.

§ 52-3. Fees.

Each applicant must pay a permit fee of fifteen dollars (\$15.) to the Village Clerk for each excavation, except those for utility poles.

§ 52-4. Liability insurance.

- A. The applicant shall file with the Code Enforcement Officer a general liability insurance policy or certificate of insurance naming the Village of Port Dickinson as an additional insured at the same time he files his application for the permit. The Board of Trustees shall approve the policy as to form.
- B. The policy shall insure the Village of Port Dickinson and the applicant and shall cover all operations relative to the excavation and reconstruction thereof. Said policy shall have limits of liability of one hundred thousand dollars (\$100,000.) for bodily injury to each person and aggregate liability of three hundred thousand dollars (\$300,000.) for each accident, and property damage liability of five thousand dollars (\$5,000.) for each accident and aggregate property damage liability of twenty-five thousand dollars (\$25,000.).

- C. In lieu of the aforesaid liability insurance, public service companies may submit a general undertaking in such form as shall be approved by the Board of Trustees.

§ 52-5. Notice of excavation.

The Code Enforcement Officer may require any person making a highway excavation pursuant to a permit granted hereunder to give notice of such excavation to public service companies or municipal districts having lines, mains or other property in the streets, and when such notice shall have been required, no work shall be commenced or done under such permit until such required notice has been fully complied with to the satisfaction of the Code Enforcement Officer.

§ 52-6. Safety requirements.

Any person making an excavation covered by this chapter shall erect suitable barriers or guards for the protection of persons using the streets or sidewalks and, in addition thereto, shall set up and maintain during the hours of darkness sufficient lights or flares to properly illuminate the area. He shall also take all necessary precautions for the protection of the property of the village, of public service companies or municipal districts and of others which may be endangered by such excavation or the work incident thereto, and shall comply with all directions given by the Code Enforcement Officer with respect to such barriers, lights, flares and protective measures.

§ 52-7. Regulations and specifications.

- A. Work under the permit shall be commenced within thirty (30) days from the date of the issuance of the permit and continued in an expeditious manner unless extension of this period is approved by the Code Enforcement Officer.
- B. Construction.
 - (1) When work is being performed on any village street, no pavement cuts or trenches are to be left unfilled overnight except in emergencies and in such cases adequate precautions must be exercised to protect traffic. When working on any village street or road, contractors must complete final backfilling of any trench within eighteen (18) days from the time of its opening.
 - (2) All pipes or mains crossing highway pavement shall, whenever possible, be driven beneath the roadway without disturbance from the edge of the pavement. Such crossover pipes shall, whenever possible, be enclosed in sleeves or larger pipes so that repairs or replacements may be made in the future without future disturbance of the roadway pavement.
 - (3) In the event that a trench is opened, the trench will be compacted to within four (4) inches of the road surface after completion of the necessary work and construction. The existing asphalt surface shall then be cut back at least twelve (12) inches on either side of the undisturbed subgrade.
 - (4) At the discretion of the Code Enforcement Officer, the contact surfaces, the packed surfaces and/or adjacent pavement edges shall be painted and sealed with approved bituminous and/or bluestone material before or after placing the course of asphalt, which shall be four (4) inches of New York State Specifications 1-A hot plant mix. This course shall be rolled with an eight-

to-ten-ton roller and surface variations in excess of one-four (1/4) of an inch shall be eliminated or the pavement relaid.

(5) If the trench work is in the earthen shoulder of the roadway, the proper compaction, as outlined above, shall apply with the addition of a covering of sod or grass seeding as specified by the highway department of the Village of Port Dickinson.

- C. Traffic control. Traffic is to be maintained at all times during the progress of work. Adequate signs, barricades and lights necessary to protect the public shall be provided. Flagmen to direct traffic shall be employed continuously during periods when only one-way traffic can be maintained or when equipment is operated back and forth across the pavement area. No construction equipment or materials shall be left on the pavement after working hours nor shall any construction equipment or materials be placed in any way, manner or location that will obstruct the highway or railroad warning signs. Barricades, whether in sidewalk or roadway areas, shall have prominently displayed for police convenience the address and telephone number of someone available twenty-four (24) hours a day who shall reestablish the same in an emergency. Access to adjacent property shall be maintained.
- D. Notification. The applicant will be responsible for notifying the Highway Department twenty-four (24) hours prior to street opening and street closing.

ARTICLE II Curbs and Sidewalks

§ 52-8. Construction according to grade.

No person shall construct or cause or permit to be constructed a curb or sidewalk unless the same shall be constructed in accordance with the grade which shall have been obtained from the village Code Enforcement Officer.

§ 52-9. Construction requirements.

- A. All sidewalks shall be concrete or macadam and shall be four (4) feet wide in residential areas. In business areas, including nonconforming business use areas, sidewalks shall be constructed so as to cover the full area between the curb and property line unless otherwise directed by the Code Enforcement Officer. Sidewalks shall not be less than four (4) inches thick in areas zoned for residential use and not less than five (5) inches thick in areas zoned for business use.¹ Where crossed by driveways, all sidewalks shall not be less than six (6) inches thick through the width of the driveway.
- B. All curbs shall be concrete, eighteen (18) inches in depth, and not less than six (6) inches thick in residential areas and not less than eight (8) inches thick in business areas and shall be built in one (1) course. Concrete gutter shall not be less than eighteen (18) inches high and six (6) inches thick and shall be built in one (1) course.

§ 52-10. Safety requirements.

Every person who constructs a sidewalk or curb shall guard any excavation or work by guardrails, red signal lights or any other means as may be necessary to warn pedestrians and others of the danger to be approached.

§ 52-11. Sidewalk maintenance; violations.

- A. The owner or occupant of every property shall pave, keep and maintain the existing sidewalks adjoining his property in a safe, passable condition and the sidewalk free from snow, ice, dirt, filth, weeds and other obstructions.
- B. In the event that a property owner or occupant fails to maintain said sidewalks as required in subsection A hereof (except in regard to snow and ice as provided in subsection D hereof) the Enforcement Officer shall serve a notice of the same in the following manner:
- (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in said property as shown by the records of the Town of Dickinson Tax Collector or of the Broome County Clerk; or if no such person can reasonably be found, by mailing such owner by registered mail a copy of such notice directed to his/her last known address as shown by the above records; and
 - (2) by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and
 - (3) by securely affixing a copy of such notice upon any residence or other structure located on the property. **[Amended 2-14-06 by L.L. No. 1-2006]**
- C. The notice shall contain the following:
- (1) a description of the condition of the property needing correction
 - (2) an order outlining the manner in which the property is to be made compliant with this section of the Village Code **[Amended 2-14-06 by L.L. No. 1-2006]**
 - (3) a statement that the correction of the sidewalk condition shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended. **[Amended 2-14-06 by L.L. No. 1-2006]**
 - (4) a statement that in the event of neglect or refusal to comply with the order:
 - a. The Village is authorized to direct a private contractor previously approved by the Board of Trustees to correct the prohibited condition, and
 - b. The total cost thereof shall be assessed against the real property on which said sidewalk is located and shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged to be collected in the same manner and at the same time as other Village charges. **[Amended 2-14-06 by L.L. No. 1-2006]**
- D. In the case of snow and ice, no such sixty-day notice is required and if, within twenty-four (24) hours after the cessation of every fall of snow or the formation of any ice, the owner or occupant of any premises shall fail to clear such sidewalk of snow and ice, he shall be in violation of this

section unless such time period be extended by the Code Enforcement Officer of the Village by reason of the fact that such ice is too thick to be removed within such twenty-four (24) hour period, in which event such ice must be removed within such reasonable time as determined by the Code Enforcement Officer. In addition, the village may clear such sidewalks of snow and ice if they are not cleared by the owner or occupant within the said twenty-four (24) hours and assess the cost thereof against the owner of the adjacent property. Such cost, if not paid, shall be assessable against the property as a tax thereon. If in judgement of the Commissioner of Public Works the employees of the Department of Public Works, by reason of their work schedule, will be unable to attend to such clearing activities within twenty-four (24) hours of receipt of said order, then the Enforcement Officer may direct a private contractor previously approved by the Board of Trustees to perform such services at the pay schedule previously approved. **[Amended 8-8-00 by L.L. No. 5-2000 and 12-12.00 by L.L. No. 7-2000]**

- E. In the event that personal injury or property damage shall result from the failure of the owner or occupant to comply with the provisions of this section, the owner and occupant shall be liable to all persons injured , or where property is damaged directly or indirectly thereby, and shall be liable to the Village to the extent that the Village is required by law or by and Court to respond in damages to any injured party. **[Amended 2-14-06 by L.L. No. 1-2006]**

§ 52-12. Installations between curb and property lines.

No person shall install, construct, place, maintain or permit to be installed, constructed, placed or maintained in the area between curb and property line of premises adjoining any street, parking field or parking field walk owned or occupied by him any structure, masonry, stone, sprinkler pipes, sprinkler heads, garbage receptacles or any similar devices or fixtures.

§ 52-13. Use of sidewalks.

No person shall ride, drive, operate or park any motor driven vehicle, including snowmobiles and minibikes, along or upon any public sidewalk or path intended for use by pedestrians within the Village of Port Dickinson.

§ 52-13A. Depositing snow onto streets or highways within the village.

No person shall cast, shovel, dump, plow, push or in any other way cause to be placed any snow upon the streets or highways within the Village.

§ 52-13B. Replacement of sidewalks. [Added 9-11-01 by L.L. No. 12-2001]

If in the judgment of the Board of Trustees upon recommendation of the Commissioner of Public Works pursuant to Section 57-11 of the Village Code it is necessary to remove trees planted between the public sidewalk and street curb and such removal requires the removal and replacement of the adjoining sidewalk, the Village shall cause such removal and replacement and shall pay 50% of the cost thereof, with the remaining 50% to be paid by the adjacent property owner. If such property owner shall fail to pay said 50% within thirty (30) days from receipt of notice thereof, the Village shall assess said cost against the owner of the adjacent property as a tax thereon.

ARTICLE III

Violations

§ 52-14. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. In addition to the above provided penalty the Village Board of Trustees may also maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

¹Editor's Note: See Ch. 65, Zoning, for provisions pertaining to designation of zones.

Chapter 53

SUBDIVISION OF LAND

ARTICLE I

Preamble and Title

§ 53-1. Preamble.

§ 53-2. Title.

ARTICLE II

Definitions

§ 53-3. Definitions and word usage.

ARTICLE III

Procedure

§ 53-4. Basic requirements.

§ 53-5. Preapplication procedure.

§ 53-6. Preliminary layout.

§ 53-7. Final subdivision plat.

§ 53-8. Acceptance of improvements for public use and maintenance.

ARTICLE IV

Subdivision Standards