

Chapter 197, Streets and Sidewalks

GENERAL REFERENCES

Encroachments -- See Ch. 93.

Littering -- See Ch. 153.

Skateboards -- See Ch. 187.

Snow emergencies -- See Ch. 189.

Trees and shrubs -- See Ch. 225.

Abandoned vehicles -- See Ch. 235.

Vehicles and traffic -- See Ch. 239.

ARTICLE I, General Regulations |

§ 197-1. Obstruction of drains and sewers prohibited.

No person shall cast or throw or cause to be cast or thrown into any of the ditches, drains or sewers within the village any straw, shavings, wood, stone, shells, rubbish, ashes or any other substance which may cause any obstruction, nuisance or injury in or to the same, by diverting or stopping the course thereof or otherwise.

§ 197-2. Removal of street material prohibited.

No person shall remove or carry away or cause to be removed or carried away any stone, earth, sand, gravel, paving material or curbing which may form a part of any public street, highway, lane or public place without the written permission of the Superintendent of Public Works or other official designated by the Board of Trustees.

§ 197-3. Maintenance and care of sidewalks.

The purpose of a sidewalk is to provide for safe passage out of the public street. Likewise, maintenance of sidewalks is crucial to the purpose of safe passage.

A) Duty. In addition to the requirements of snow removal set forth in § 197-3.2 herein, every owner or occupant of any house or other building and every person owning or having charge of a vacant lot shall, at all times throughout the year, keep the sidewalks in front of such house, building or lot free from dirt, fifth, obstructions and other encumbrances which might impair safe passage.

1. Said maintenance includes repair and/or replacement of cracked or broken sidewalks which create uneven surfaces impairing safe passage. Repair and/or replacement shall be made with building materials similar to the adjoining properties.
2. Existing sidewalks shall not be removed or replaced by lawn or garden areas.

- B) Liability. All persons violating this section and failing to perform the duty herein imposed shall be solely liable for such injuries/damages caused to persons or property resulting from the violation of said duty.
- C) Indemnity. All persons violating this section shall indemnify and hold the village harmless for any and all claims and/or causes of action for any injuries/damages occurring as a result of said violation of the duty imposed.

§ 197-3.1. Maintenance of steps, walkways, driveways and parking spaces.

- A) Duty. Maintenance of steps, walkways, driveways and parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- B) Liability. All persons violating this section and failing to perform the duty herein imposed shall be solely liable for such injuries/damages caused to persons or property resulting from the violation of said duty.
- C) Indemnity. All persons violating this section shall indemnify and hold the village harmless for any and all claims and/or causes of action for any injuries/damages occurring as a result of said violation of the duty imposed.

§ 197-3.2. Removal of snow and ice.

- A) Putting snow on streets and sidewalks. It shall be unlawful for any person to plow or push snow or ice from private premises onto the public streets, sidewalks or highways of the village.
- B) Snow removal from sidewalks in corporation tax district.
 - 1. Duty. It shall be the duty of every property owner and every person in possession of property in the corporation tax district of the Village of Ilion to remove the snow from all sidewalks bordering any portion of said property within twenty-four (24) hours after any snowfall in excess of two (2) inches and to remove all ice which has formed on said sidewalk or to make said sidewalk safe by applying sand or another suitable substance within eight (8) hours after said ice forms or prior to 8:00 a.m. the following day, whichever is later.
 - 2. Assistance by the village. No plowing of sidewalks by the Department of Public Works shall relieve said person in possession of said property from their herein imposed duty and primary responsibility of keeping said sidewalks free from snow and ice.
 - 3. Liability. All persons violating this section and failing to perform the duty herein imposed shall be solely liable for such

injuries/damages caused to persons or property resulting from the violation of said duty.

4. Indemnity. All persons violating this section shall indemnify and hold the village harmless for any and all claims and/or causes of action for any injuries/damages occurring as a result of said violation of the duty imposed.

§ 197-4. Penalties for offenses.

- A) Property owner. For any person who is a property owner in the village, whether a person, firm or corporation, who or which violates the provisions of this chapter, the village may cause the violation to be corrected. Any and all work required to be performed and the cost thereof, plus fifty percent (50%) for administration and supervision added thereto, shall become a lien upon the property owner's property on/near where said work was performed or violation occurred and shall be added to become a part of the taxes next to be assessed and levied upon said property and shall be collected and enforced in the same manner as taxes.
- B) Not property owner. Any person who is not a property owner, whether a person, a firm or a corporation, who or which violates any provision of this chapter shall be liable for a civil penalty of not more than two hundred dollars (\$200.) per day for each day or part thereof during which such violation continues.

ARTICLE II, Street Acceptances and Improvements

§ 197-5. Sanitary sewers required.

Before a new street is accepted, the village will require that a sanitary sewer line be installed at an invert elevation, of a pitch and of a size acceptable to the Village Superintendent of Public Works and according to standards established by him. All pipe is required to meet the standards of the American Society of Testing Materials. Manholes and lampholes shall be constructed as required by the Superintendent of Public Works. Prior to the commencement of construction of the sewer line, the proposed cost of the same shall be submitted to the Village Board. If the Board deems the estimate reasonable, tentative approval of such extension shall be granted. As the work progresses and the same has been inspected and approved by the Superintendent of Public Works, the village shall pay one-third (1/3) of the cost of such sanitary sewer line to the developer upon presentation and approval of the customary voucher therefor.

§ 197-6. Water mains.

- A) Water mains shall be installed on the same basis as sanitary sewers, with the provision that if the actual laying of the pipe is done by the Water Board, the Water Board must be reimbursed for two-thirds (2/3) of the cost by the developer.
- B) Inasmuch as the legality of the installation of water mains by the Municipal Board on streets not as yet accepted is dubious, it may be proper to require a deposit with the Water Board of the anticipated cost of the developer's share, prior to the commencement of the

installation of the main by the Village or Water Board or provision of security by appropriate bond for reimbursement of the total expense in the event that the street shall not be accepted.

§ 197-7. Sewer lines outside village.

So far as sewer lines outside the corporate limits are concerned, the lines have been in the past and will continue to be laid wholly at the expense of the nonresident owner or the developer, and an annual sewer rental shall be paid to the Village Board based on the owner's proportionate share of the cost of operation of the sewage disposal plant.

§ 197-8. Sewer lines on accepted streets.

On accepted streets, sanitary sewer lines will be laid as a street improvement with one-third (1/3) of the cost to be assessed to the adjoining owner on each side of the street and one-third (1/3) of the total cost to be borne by the village. In addition, the developer shall construct concrete curbing on each side of the macadam surface of the street in accordance with specifications to be supplied by the Superintendent of Public Works.

§ 197-9. Stormwater sewer lines.

- A) Before a new street is accepted, the village will also require, unless the Board of Trustees deems it not practicable to install storm water sewer lines that a stormwater sewer line be installed at a pitch and of a size acceptable to the Village Superintendent of Public Works and according to standards established by him. All pipe is required to meet the standards of the American Society of Testing Materials. Catch basins shall be constructed as required by the Superintendent of Public Works.
- B) Prior to the commencement of construction of the stormwater sewer lines and catch basins, the proposed cost of the same shall be submitted to the Village Board. If the Board deems the estimate reasonable, tentative approval of such installation of the stormwater sewer lines shall be granted.
- C) As the work progresses, and provided that the same has been inspected and approved by the Superintendent of Public Works, the village shall pay one-third (1/3) of the cost of such stormwater sewer lines and catch basins to the developer upon presentation and approval of the customary voucher therefor.
- D) With relation to corner lots, the width and depth are added together and divided by two (2) to compute the frontage to be paid for by the developer.

§ 197-10. Improvements to streets prior to acceptance.

- A) The developer shall bring the street to a grade established by the Superintendent of Public Works, with eight (8) inches of compacted gravel equal to the specifications for the same provided by the Superintendent of Public Works, for a width of thirty (30) feet. In addition, the developer shall apply a macadam surface, a minimum of twenty-four (24) feet wide, as specified by the Superintendent of Public Works. A plant mix, of

specifications to be provided by the Superintendent of Public Works, for a minimum width of twenty-four (24) feet will be applied.

- B) Upon acceptance of such street, the village shall reimburse the developer for one-third (1/3) of the cost of such payment, the village contribution to be limited to one-third (1/3) of the cost of the paving surface and not to the grading and graveling, plus one-third (1/3) of the fair and reasonable cost of the curbing.
- C) In the event that subsequent construction remains to be done in the bed of the street, i.e., installation of gas mains and other utilities and paving, a performance bond or other surety satisfactory to the Village Attorney and the Board of Trustees in an amount equal to the developer's share of the cost of making the remaining improvements, as determined by the Superintendent of Public Works, shall be tendered by the developer, together with an agreement, in writing, to complete the entirety of such improvements on or before a date to be fixed by the Village Board, which shall not be earlier than fifteen (15) months after the conditional commitment for acceptance of such street for public maintenance. Upon the completion of such improvements, the village shall reimburse on the basis set forth above.

§ 197-11. Improvements to streets after acceptance.

- A) The village will not be responsible as a developer for the installation, grading and/or paving of streets previously accepted by the village but not previously laid out.
- B) Prior to the commencement of installation, grading and/or paving of a new previously accepted street, the developer and/or adjoining landowners, shall submit all necessary plans, including all information and/or testing necessary to complete an environmental impact study as required by Article 8 of the Environmental Conservation Law [State Environmental Quality Review Act (SEQR)] and the proposed cost of installation to the Ilion Planning Board for review. Based upon the plans submitted and the proposed cost of installation, grading and/or paving, the Planning Board shall make a recommendation to the Village Board within thirty (30) days of the submission of all necessary plans and cost estimate. If the Village Board deems the estimate reasonable, tentative approval of such installation, grading and/or paving of the street may be granted, and one-third (1/3) of the total cost of the installation, grading and/or paving shall be borne by the village.
- C) The developer and/or adjoining landowners shall bring the street to a grade established by the Superintendent of Public Works, with eight (8) inches of compacted gravel equal to the specifications for the same provided by the Superintendent of Public Works, for a width of thirty (30) feet. In addition, the developer shall apply a macadam surface, a minimum of twenty-four (24) feet wide, as specified by the Superintendent of Public Works. A plant mix, of specifications to be provided by the Superintendent of Public Works for a width of at least twenty-four (24) feet will be applied.
- D) Upon completion of the installation, grading and/or paving, the village shall reimburse the developer and/or adjoining landowner's for one-third (1/3) of the cost upon presentation and approval of the customary voucher therefor.

- E) In the event that subsequent construction remains to be done in the bed of the street, i.e., installation of gas mains and other utilities and paving, a performance bond, or other surety satisfactory to the Village Attorney and the Board of Trustees in an amount equal to the developer's and/or adjoining landowner's share of the cost of making the remaining improvements, as determined by the Superintendent of Public Works, shall be tendered by the developer and/or adjoining landowner's, together with an agreement, in writing, to complete the entirety of such improvements on or before a date to be fixed by the Village Board, which shall not be earlier than fifteen (15) months after completion of the grading of the street. Upon the completion of such improvements, the village shall reimburse on the basis set forth above.

§ 197-12. Time limit on submission of requests for improvement.

All requests for street improvements, which involve the expenditure of village funds therefor, must be submitted to and approved by the Board of Trustees by April 1 of each year, unless this provision is expressly waived by the Board of Trustees.

§ 197-13. Subdivision approval required; deed.

Any proposed subdivision which shall include or contemplate the submission for acceptance of a street shall be submitted to the Planning Commission for approval prior to the submission of such proposed public street to the Board of Trustees for acceptance. A final allotment map and three (3) copies also shall be filed with any application for acceptance of a street dedication. The deed for the new street shall be prepared by the attorney for the developer, but approved by the Village Attorney.

§ 197-14. Conditional acceptance required for issuance of building permit.

Building permits shall not be issued for construction on a proposed street prior to conditional commitment for acceptance of such street for public maintenance, and conditional commitment will not be made until all services running in the street right-of-way are carried from the mains to a point three (3) feet beyond the curblines of the street towards the proposed home.

§ 197-15. Maintenance bond.

- A) Prior to formal acceptance of the proposed street by the village, the developer shall submit a one-year maintenance bond, dating from the time of the formal acceptance of the street, warranting to the village that all defects occurring within one (1) year from said acceptance to the street, water, sanitary or stormwater sewer lines or curbing not caused by Acts of God or by the village itself shall be remedied within ten (10) days of written notice of such defect by the Board of Trustees.
- B) Said maintenance bond shall be in a form and amount approved by the Village Board and Village Attorney.

ARTICLE III, Excavations [Adopted 5-28-1991 as L.L. No. 3-1991]

§ 197-16. Permission required; conditions to be established.

- A) No person shall injure or tear up, excavate in, hydraulic jack, bore under or interfere in any manner with any highway, street, curbing, sidewalk, crosswalk, drain or sewer or any part thereof, nor shall he dig any hole, ditch or drain or erect any pole in any highway, street, curbing, sidewalk, crosswalk or any public place or park in the village, without first having obtained permission, in writing, from the Superintendent of Public Works or other official designated by the Board of Trustees.
- B) The Superintendent of Public Works or other official so designated shall state the period during which the work may be performed and establish such other conditions and provisions so as to save the village harmless and protect the public, including but not limited to, the furnishing of bonds, insurance, safeguards and warning. The basic conditions and provisions are hereinafter set forth.

§ 197-17. Overnight openings; emergency openings.

- A) No person shall dig or cause to be dug any hole or trench in any street, lane or alley of the village and not properly refill the same before dark of the day during which the same was dug, unless he shall request permission from the Superintendent of Public Works to leave such hole or trench open during the following night, protected by suitable guards and signals, giving the exact location thereof, before 2:30 p.m. of the day during which said hole or trench was dug, and unless he shall further protect such hole or trench by suitable guards and signals.
- B) In case of any emergency arising at night, Sundays or legal holidays and on other occasions when village offices are closed when an immediate excavation may be necessary for the protection of public or private property, the same shall be reported to the Police Department, which may grant permission to make the necessary excavation upon the express condition that an application be made in the manner herein provided on or before 12:00 noon of the next following business day.

§ 197-18. Application for permit; permit fee.

- A) Any person desiring to procure a permit as herein provided, shall file with the Village Clerk's office at least twenty-four (24) hours before the time proposed to begin such work a written application upon a form prepared and provided by the village. Such application shall state the applicant's name; the name of the street, alley, curbing, sidewalk or public place in or under which it is desired to make the excavation or opening; the purpose, size and location the proposed excavation or opening; the names and business or residential address of the person for whose benefit the work is to be done; and the time during which it is desired for such opening to be permitted.
- B) When required by the Superintendent of Public Works, the application shall be accompanied by a plat, pencil tracing or sketch showing the location, character and dimensions of the proposed excavation or opening for the installation of new work or the location and character of the alterations involving the location of pipes, conduits, wires or other conductors.

- C) A permit fee of fifteen dollars (\$15.) per pavement, road or curb cut is required at time of application.

§ 197-19. Surety; bond; insurance.

- A) Surety. A certified check made payable to the village in the sum of two hundred dollars (\$200.) per each street cut area of fifty (50) square feet or less and fifteen dollars (\$15.) for each curb cut, shall be filed with the application by the contractor as a guaranty that all public street pavement and curb cuts will be properly repaired. The surety shall be retained by the village until the Superintendent of Public Works deems it necessary to return the check upon satisfactory completion of the work. In the case of a street opening, the surety will be held for one (1) year after permanent pavement has been replaced. During the one-year period, the restored street opening will be the responsibility of the applicant and deterioration of an opening may result in appropriate legal action being taken against the surety and/or applicant. The surety may be held for future work if the permittee so requests, in writing, to the Village Clerk-Treasurer.
- B) Deduction from surety. Replacement or restoration of any pavement of surface which is delayed by more than thirty (30) days or repavement, which is not done in accordance with the village's applicable general construction policy may be repaired by the Department of Public Works or a private contractor engaged by the village, and the cost of the same, plus any other incidental expenses, shall be deducted from surety on file.
- C) Bond. Applicants operating in or using any of the streets under a franchise may file a bond in the penal sum of one thousand dollars (\$1,000.), or more if required, in lieu of the surety of two hundred dollars (\$200.). A public utility may, in lieu of the one-thousand-dollar bond required, file an agreement that it will perform the work required by the village and guarantee the same for the life of the adjoining pavement or until such time as the street is resurfaced.
- D) Liability insurance. All street opening applicants shall have and maintain adequate liability insurance [minimum one hundred thousand dollars (\$100,000.)] and file a certificate of insurance with the Village Clerk-Treasurer's office, with a ten-day, prior notice of cancellation clause.

§ 197-20. Excavations on private lands adjoining streets.

Any person who shall make or cause to be made any cellar, pit, hole or excavation upon his or her lot or upon a lot occupied by any such person, adjoining to and within four (4) feet of the fence line of any public street or alley of this village shall cause the same to be protected by the erection of good and sufficient guards and barriers between such cellar, pit, hole or excavation and the fence line of the street, the same to extend the length of such cellar, pit, hole or excavation.

§ 197-21. (Reserved)