

ARTICLE #96

Local Law NO. 2
Year 2008
Village of Adams, New York

A LOCAL LAW RELATING TO SIDEWALK AND DRIVEWAY
CODES.

BE IT ENACTED, by the Board of Trustees of the Village of Adams,
New York as follows:

Passed and adopted by the Board of Trustees of the Village of Adams on the
17th day of November 2008.

A handwritten signature in black ink, appearing to read 'Darlene M. Rexford', written over a horizontal line.

Darlene M. Rexford
Clerk/Treasurer

Filed with the State – November 26, 2008

LOCAL LAW #2 OF THE YEAR 2008 SIDEWALK & DRIVEWAY CODES

Intent:

The Village of Adams considers the existing and future sidewalk system to be an integral and important part of the Village life. Sidewalks not only provide a safe way for citizens to move about the Village and conduct their business but they also provide an opportunity for physical exercise.

It is the goal of the Village that sidewalks be installed on all streets in the Village.

Definitions:

When used in this Article, the following words and terms shall have the meanings indicated, unless otherwise expressly stated:

AWNING – A semi-permanent, rooflike cover of canvas or other flexible fabric attached to the face of a building and completely supported thereby.

ROADWAY – That portion of a street improved, designated, intended or used for vehicular traffic.

SIDEWALK – That portion of a street outside of the roadway used or set for the use of pedestrians.

SUPERINTENDENT – The Superintendent of Public Works.

Responsibility for Building and Repairing:

No person owning or occupying any property fronting upon or abutting any street shall fail to build, rebuild or keep in repair any sidewalk in front of his said property when the Superintendent by written notice so directs, and the same shall be built, rebuilt or repaired upon such established grade of such materials and size as the Superintendent may direct as established and outlined via the attached existing construction standard. This paragraph shall not apply to property with existing residential or commercial buildings that, as of the date of this local law, does not currently have a sidewalk.

Permitting and Construction Standards:

No person shall construct or repair any sidewalk in the Village of Adams except under the direction and in the manner determined and prescribed by the Village of Adams sidewalk construction standards (attached). A no cost permit shall be required for all new installation or replacement of sidewalks in the Village of Adams.

No person shall construct or repair any driveway in the Village of Adams except under the direction and in the manner determined and prescribed by the Village of Adams driveway construction standards (attached). A permit shall be required for all new installation or replacement of a driveway in the Village of Adams.

The construction standards for both driveways and sidewalks may be modified from time to time by resolution of the Village Board.

Failure to obtain said permits may result in an order to stop construction and replacement of said sidewalk for driveway completed at property owner's expense.

Sidewalks Running Through Driveways:

Sidewalks shall run continuously on any property fronting upon or abutting any roadways. All sidewalks are to be placed through driveways and continue on property.

If an existing driveway passes through and interrupts the sidewalk and requires repair, the new sidewalk shall pass through the driveway.

Village Reimbursement Program:

All existing property owners, whether it be for the installation of a new sidewalk or the repair of the existing sidewalk, may be eligible to be approved to receive up to 50% of reimbursement of costs associated with said sidewalk. This reimbursement plan is at the discretion of the Village Board, and may be rejected entirely for any given year. Said Board shall take into consideration the physical and financial restrictions of the Village's budget for that current year before deciding on a reimbursement plan. The Village Board shall approve the per foot rate. This paragraph shall not apply to developers and/or new construction.

Maintenance:

Maintenance of sidewalks shall be the sole responsibility of the property owner.

Water on Sidewalks:

No person shall permit any water from ditches, drains, spouts, sprinklers, hoses or other irrigating devices to fall upon or run over sidewalks causing hazardous conditions of pedestrians.

Removal of Snow and Ice:

It is the duty of the property owner, tenant, occupant or other person in charge of any property fronting on any public street or alley to remove all snow and ice from sidewalks and driveway crossings by 9:00 a.m. following the time of deposit.

When the weather conditions make it impracticable to remove such snow and ice, the owner, tenant, occupant or other person having charge of any premises as aforesaid shall, within the aforesaid specified time, cause the sidewalk abutting in such premises to be covered with salt, sand or some suitable materials and shall as soon thereafter as the weather permits thoroughly clean the sidewalks.

It shall be unlawful for any person to use or cause to be used a public street or any sidewalk for the deposit, piling or placement of plowed or shoveled snow and/or ice.

It shall be unlawful for any person to deposit, pile or place, or cause to be deposited, piled or placed on any corner lot, plowed or shoveled snow piles such that the piled interfere with the visibility of vehicular traffic at such corners.

It shall be unlawful for any person to deposit, pile or place, or cause to be deposited, piled or placed, plowed or shoveled snow, or to blow or cause snow as to cover or obstruct the accessibility of fire hydrants.

Awnings over Sidewalks:

No person shall place or maintain any awning over any sidewalk unless the same shall be made of cloth or canvas and supported by braces securely fastened to a building, the lower of which awning, including its supports, shall be at least 7 ½ feet above the sidewalks.

Banners, Wires, Signs:

No person shall place or maintain any devices or materials including but not limited to banners, signs and wires over the sidewalk without permission from the Village of Adams Board of Trustees. The Village will review the conditions to determine if the devices or materials will be safe and/or acceptable and grant or deny the request respectively.

Obstructions to Sidewalks:

No person shall obstruct, or cause or permit to be obstructed, any sidewalk or crosswalk in the Village, by placing thereon any boxes, barrel, goods, wares, merchandise or other obstruction of any kind or nature or suspending any sign, goods, wares or merchandise across or over any walk within eight feet of the same except temporarily when loading or unloading vehicles.

No person shall position a vehicle so as to prevent pedestrian access to the sidewalk. Temporary parking for the purpose of loading or unloading will be permitted.

Sliding, Coasting, Skating and Bicycles Yielding to and Passing Pedestrians:

Whenever any person is riding a bicycle, sliding, coasting or skating upon any sidewalk or roadway, such person shall yield the right-of-way to all pedestrians and shall give any audible signal before overtaking and passing such pedestrians.

Complaints and Investigation:

All complaints of pedestrian injuries and/or sidewalk damage must be reported to the Village Clerk of the Village of Adams. Within 3 business days of the complaint being registered, the Village of Adams will investigate the complaint and make a determination on the status of the complaint. Within five business days of the complaint, a response will be transmitted to the complainant with the findings of the investigation. (See attached form)

Notice of Repair:

Whenever the Village determines that a repair, replacement and/or addition of sidewalks are necessary, a written notice will be sent to the property owner. The notice will be mailed "Return Receipt" and regular first class mail. The notice will describe in length and sections which require action.

Individual sections of sidewalks can be replaced at the property owner's expense if the approved lines and grades can be maintained. If the sidewalks can not meet the approved lines and grades as determined by the Superintendent, then the entire section will need to be replaced. See prior sections which specify eligibility in the 50% reimbursement program.

Whenever the property owner is required to take action by notice of the Village, a permit will be required. As part of the permitting processes, the Superintendent will see the grade and lines for the required actions. The permit will be a "no cost" permit and can be obtained from the Village of Adams Village Clerk.

Penalties for Offenses:

Any person, firm or corporation violating any provision of this Local Law shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$250. Each day of continued violation is a separate and distinct offense.

Non-Compliance:

If after notification has been given and penalties have been assessed and owner refuses or does not act to correct problem, and if it is deemed by the Village Board said sidewalk creates a dangerous or hazardous situation to the Village residents in its existing state, the Village Board may direct the Superintendent to correct any and all defects. All costs associated with this shall be charged back or borne by the property owner.

ARTICLE # 98

Local Law NO. 2
Year 2009
Village of Adams, New York

AMENDING VILLAGE OF ADAMS SIDEWALK & DRIVEWAY CODES, LOCAL LAW NO. 2 OF THE YEAR 2008

Be it enacted by the Village Board of the Village of Adams as follows:

Said local law for the Village of Adams shall be amended as follows:

The section labeled, **Permitting and Construction Standards**, shall be removed in its entirety to be replaced with the following:

Permitting and Construction Standards:

No person shall construct or repair any sidewalk in the Village of Adams except under the direction and in the manner determined and prescribed by the Village of Adams sidewalk construction standards (attached). A permit shall be required for all new installation or replacement of a sidewalk in the Village of Adams.

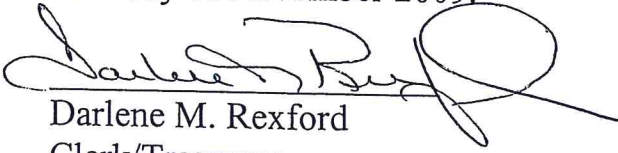
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The construction standards for both driveways and sidewalks may be modified from time to time by resolution of the Village Board.

Failure to obtain said permits may result in an order to stop construction and replacement of said sidewalk or driveway completed at property owner's expense.

A fee, as determined by the Village Board, shall be levied for each permit issued.

Passed and adopted by the Board of Trustees of the Village of Adams on the
16th day of November 2009.


Darlene M. Rexford
Clerk/Treasurer

Filed with the State – November 30, 2009