

Chapter 177

STREETS AND SIDEWALKS

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|-----------|---|-----------|--|
| § 177-1. | Digging or removal of materials. | § 177-11. | Snow and ice. |
| § 177-2. | Moving of buildings. | § 177-12. | Regulation of snow removal. |
| § 177-3. | Repairing vehicles in streets. | § 177-13. | Posters and handbills. |
| § 177-4. | Trees, bushes and shrubs. | § 177-14. | Billboards or other advertising matter. |
| § 177-5. | Obstruction of streets by railway cars. | § 177-15. | Operation of certain vehicles on sidewalks prohibited. |
| § 177-6. | Removal of brush, grass and weeds; penalties. | § 177-16. | Placing of materials in streets. |
| § 177-7. | Driveway permit. | § 177-17. | Obstruction of sidewalks. |
| § 177-8. | Sidewalk construction permit. | § 177-18. | Unmotorized devices/vehicles. |
| § 177-9. | Sidewalks required for new construction. | § 177-19. | Enforcement. |
| § 177-10. | Sidewalk construction safety precautions. | § 177-20. | Penalties for offenses. |

[HISTORY: Adopted by the Board of Trustees of the Village of Alden 11-22-1976 as L.L. No. 5-1976 (Ch. 41 of the 1966 Code). Amended in its entirety 6-26-2004 by L.L. No. 3-2004. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Drug-free school zones -- See Ch. 87.
Licenses and permits -- See Ch. 125.
Mobile home parks -- See Ch. 131.
Parks and recreation areas -- See Ch. 143.
Solid waste -- See Ch. 173.
Subdivision of land -- See Ch. 181.
Vehicles and traffic -- See Ch. 200.
Off-road vehicles -- See Ch. 201.
Unlicensed vehicles -- See Ch. 203.
Water use and service -- See Ch. 205.
Zoning -- See Ch. 210.
Fees -- See Ch. A220.

§ 177-1. Purpose. [Amended 8-11-2016 by L.L. No. 6-2016]

The purpose of this chapter shall be to preserve the public peace and good order in the Village, and to contribute to the public welfare, safety and health of its people and to contribute to the safe conveyance of its people over the streets and sidewalks of the Village by establishing certain regulations for activities on and around the streets and sidewalks of the Village that are consistent with the rights and privileges of other residents of the Village.

§ 177-2. Digging or removal of materials. [Amended 6-23-2011 by L.L. No. 10-2011]

- A. No person shall dig any street, lane, alley or sidewalk or remove any material or substance therefrom except as permitted, in writing, by the Superintendent of Public Works.
- B. In the event that any sidewalk, street, lane or alley is removed, altered, dug, cut, or otherwise changed in any manner whatsoever, all repairs/restoration work shall be performed by the Department of Public Works and the cost of such repairs/restoration work shall be borne by the landowner. In the event that the landowner does not make payment to the Village for such repairs/restoration work, then the cost of same shall constitute a lien upon the real property of the owner. Upon the owner's failure to timely make such payments as demanded by the Village, same shall expressly empower the Board of Trustees or its designee or the Village Clerk with the authority to place such unpaid balances upon the real property taxes on the property owned by the landowner. Nothing herein, however, shall prevent the Board of Trustees, the Village Clerk or their designees from otherwise using any other available collection means or legal redress available, whether civil or criminal, to recover such liens, taxes, fines, levies or fees as may be permitted by law.
- C. In the event any person shall otherwise damage, in whole or in part, any street, lane, alley, or sidewalk, such person must notify the Department of Public Works and Code Enforcement Officer immediately. Any repairs and/or replacements shall be done by the Village of Alden at the cost of the property owner and/or person causing such damage as so determined by the Department of Public Works. All repairs shall be deemed a lien on the real property and such lien shall be prior and superior to every other lien or claim except of an existing tax. The Board of Trustees of the Village of Alden may certify to the Village Clerk the amount of any such lien which has not been paid in the time and in the manner prescribed by such Board, with a description of the real property affected thereby. The Village Board of Trustees may include such amount in the annual tax levy and shall have such levy made upon the real property affected herein. Nothing herein, however, shall prevent the Board of Trustees, the Village Clerk or their

designees from otherwise using any other available collection means or legal redress available, whether civil or criminal, to recover such liens, taxes, fines, levies or fees as may be permitted by law.

§ 177-3. Moving of buildings.

No person shall move or cause to be moved or assist in moving any building into, upon, along or across any street, lane, alley or sidewalk within the village without first obtaining permission therefor from the Superintendent of Public Works. No person to whom such permission has been granted shall permit such building to remain in or upon such street, lane, alley or sidewalk for a period in excess of twenty-four (24) hours unless with the express permission of the Board of Trustees.

§ 177-4. Repairing vehicles in streets.

No person, firm or corporation shall repair any motor vehicle within the bounds of any street or highway within the Village of Alden except in cases of emergency when repairs may be made in a way not to unnecessarily obstruct such street or highway, and then only to an extent that will permit the removal of such vehicle from such street or highway.

§ 177-5. Trees, bushes and shrubs.

The owner or occupant of any premises within this village in front of which shade or ornamental trees, bushes and/or shrubs shall be placed, planted or set shall cause the same to be kept trimmed so that the projecting limbs and branches shall not be less than ten (10) feet above the roadway, lane, alley, right-of-way and/or sidewalk and if said owner or occupant shall neglect to keep such plantings so trimmed, it shall be the duty of the Superintendent of Public Works of the village, after five (5) days' notice by him or her, in writing, to said owner or occupant, to cause said plantings to be trimmed as therefor said at the expense of the owner, and such expense may be assessed upon the land and property in front of which said planting shall stand. Such assessment shall be a lien thereon to be paid pursuant to law.

§ 177-6. Obstruction of streets by railway cars.

It shall be unlawful for any person or corporation to obstruct the free passage of any street within the village by means of any railway car or locomotive, except when the same shall be actually running or to take on or let off passengers, and then no longer than five (5) minutes.

§ 177-7. Removal of brush, grass and weeds; penalties.

The owner or occupant of any building, lot or premises within the Village of Alden shall cut down, remove and destroy all brush, grass and noxious weeds growing within fifty (50) feet of a building, structure, or right-of-way of such premises or along the front thereof, as provided for and regulated in the Property Maintenance Code of New York State.

- A. If any such owner or occupant shall fail to comply with this section within five (5) days written notice, as required, he or she shall pay a penalty for each offense¹, and it shall be the duty of the Superintendent of Public Works to make provisions for the cutting and removal of such brush and noxious weeds and to cause the same to be removed at the cost and expense of the owner, and such expense shall be assessed upon the land and property on which such weeds shall be cut. Such assessment shall be a lien thereon to be paid pursuant to law.

§ 177-8. Driveway permit.

No person, organization, entity, company and/or corporation shall construct any driveway onto an existing street or public place within the Village of Alden without first obtaining a permit from the Superintendent of Public Works. Such driveway connection between the sidewalk and/or right-of-way line shall be constructed in accordance with specifications approved by the Board of Trustees. For the purposes of this chapter, the term “driveway” shall mean any private road or way that connects a house, apartment, garage, accessory structure, commercial building, industrial building or other building with a public street.

§ 177-9. Sidewalk construction permit.

No person, organization, entity, company and/or corporation shall construct or alter any sidewalk in the Village of Alden without first obtaining a permit from the Superintendent of Public Works. Such sidewalks shall be constructed in accordance with specifications approved by the Board of Trustees.

§ 177-10. Sidewalks required for new construction.

When a new primary building or structure, as defined in Chapter 210 of this Code, is constructed on a parcel of land that does not have sidewalks, said sidewalks shall be installed by the owner or developer across the entire frontage of the parcel. This

¹ Editor's Note: See Ch. A220, Fees.

provision shall also apply to any property where an accessory structure, whether attached or detached, is constructed with a permanent foundation or piers. If a property subject to the provisions of this section does not have adjoining sidewalks on adjoining properties, the Village of Alden Board of Trustees may waive or modify these requirements upon prior, written request. The Board may place any conditions upon such approval as may be deemed necessary and/or provident. Sidewalks shall be constructed in accordance with specifications approved by the Board of Trustees.

§ 177-11. Sidewalk construction safety precautions.

It shall be the duty of every person, organization, entity, company and/or corporation repairing or building a sidewalk to properly barricade said sidewalk and to install and maintain warning lights at either end thereof sufficient to warn pedestrians thereof.

§ 177-12. Snow and ice. [Amended 8-11-2016 by L.L. No. 6-2016]

- A. It shall be the duty of the owner and occupant, jointly and/or severally, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining the property free from snow and ice for the full paved width of such sidewalk running the entire length of the adjoining property.
- (1) Every owner and occupant, jointly and/or severally, of lands, premises or buildings fronting on any street or public place within the Village shall clear and remove from the sidewalks along such lands, premises or buildings all snow and ice which may at any time be thereon. At no time shall any portion of such walk be permitted to be or remain in an icy or slippery condition.
- B. Snow and ice shall be removed within twenty-four (24) hours after the end of any snowfall. In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times.
- C. It shall be unlawful for any person to use, or cause to be used, the public street or any sidewalk for the deposit, piling or placement of plowed or shoveled snow and/or ice. Every owner and occupant, jointly and/or severally, of any lands, premises or buildings fronting upon any street or public place in the

Village shall, upon notification by the Department of Public Works, be required to immediately remove any snow and/or ice placed or piled contrary to this provision.

- D. No person, organization, entity, company and/or corporation shall permit any snow, ice or water to fall from a roof edge, ledge, sign, light, planting or building projection upon any street or sidewalk so as to create a dangerous or hazardous condition. The owner of such premises shall, after notice from a village official, immediately correct and rectify any such dangerous condition. The owner thereof shall also have an independent and affirmative duty to correct and rectify any such dangerous condition without notice.
- E. It shall be unlawful for any person to deposit, pile or place, or cause to be deposited, piled, placed, plowed, or shoveled, snow or ice, or to blow, or cause to be blown, snow or ice so as to cover or obstruct accessibility to fire hydrants. Every owner and occupant, jointly and/or severally, of any lands, premises or buildings fronting upon property on which a fire hydrant is located, shall, upon notification by the Department of Public Works, be required to immediately remove any snow and/or ice placed or piled contrary to this provision.
- F. Whenever the owner or occupant of a parcel of real estate adjoining a public sidewalk fails to remove the snow and ice from such sidewalk adjoining such property within the time specified in this chapter or within four (4) hours of notice by the Department of Public Works to remove same, the Department of Public Works may remove such said snow and ice from such sidewalk and notify the Village Clerk of the expenses incurred by the amount of labor, equipment and materials used, together with any additional administrative expenses as may be reasonable.
- G. Removal by Village to Permit Accessibility to Fire Hydrants: Whenever the owner or occupant of a parcel of real estate adjoining a public sidewalk fails to remove the snow and ice which covers or obstructs accessibility to fire hydrants within the time specified in this chapter or within four (4) hours of notice by the Department of Public Works to remove same, the Department of Public Works may remove such said snow and ice so as to permit accessibility to fire hydrants and notify the Village Clerk of the expenses incurred by the amount of labor, equipment and materials used, together with any additional administrative expenses as may be reasonable.

- H. The Village Clerk shall promptly present to the owner and occupant of each parcel, a bill for the removal of snow and ice as set by the Department of Public Works and the Village Clerk. If payment is not made within thirty (30) days of the date of such invoice, the cost thereof shall be assessed against the property, adding same onto the real property tax bill which shall become a lien thereon, collectible in the same manner as delinquent Village taxes.

§ 177-13. Water on streets and sidewalks. [Amended 8-11-2016 by L.L. No. 6-2016]

No person shall pump, allow to run or divert any water upon any street or sidewalk so as to create a dangerous or hazardous condition. The owner of such premises shall, after notice from a village official, immediately correct and rectify any such dangerous condition. The owner thereof shall also have an independent and affirmative duty to correct and rectify any such dangerous condition without notice.

§ 177-14. Posters and handbills.

No person shall post or hang any handbill, notice, poster, placard or advertisement upon any post, telephone, telegraph or electric light pole, tree, hydrant, fence, bridge or other object or structure in the streets, alleys or public grounds except upon billboards authorized and located by the Board of Trustees of the Village, and then only with the prior permission of the Village Board of Trustees. Such handbills, notices, posters placards or other advertisements must be removed in a timely fashion and pursuant to the directives of the Village Board of Trustees or its designee.

§ 177-15. Billboards or other advertising matter.

No person shall erect, construct or maintain or use in, upon or near any street, sidewalk or public place within the Village of Alden any billboard or other advertising media without the prior written permission of the Board of Trustees of the Village of Alden.

§ 177-16. Operation of certain vehicles on sidewalks prohibited.

No person shall operate or drive, cause to be operated or driven or knowingly permit the operation or driving of any motorized vehicle, motorcycle, all-terrain vehicle, all-terrain cycle, moped, motorized scooter, go cart or other device moved by other than human power in or upon any sidewalk within the corporate limits of the Village of Alden.

- A. The provisions of this section shall not apply to any motorized vehicle or equipment which is owned and operated by the Village of Alden for the purposes of maintenance of or removal of snow from such sidewalks.
- B. The provisions of this section shall not apply to any motorized vehicle or equipment which is owned and operated by a property owner and is utilized primarily for the care and maintenance of such person's property.
- C. The provisions of this section shall not apply to a motorized wheelchair or such similar medical equipment for the disabled.

§ 177-17. Placing of materials in streets. [Amended 12-20-2007 by L.L. No. 6-2007]

No person shall dump, deposit or place any materials upon a street or street right-of-way, including but not limited to dirt, stone, concrete, building materials, wood, metals, or any other mineral or construction material. This section shall not apply to solid waste for regular municipal collection on scheduled and/or announced days, grass clippings, leaves, branches and other yard waste authorized for pick-up within this Code. Nothing herein, however, shall prevent or affect the traversing of motor vehicles, bicycles or related instruments, or pedestrians over, along, and/or on such street or street right-of-way..

§ 177-18. Obstruction of sidewalks. [Amended 12-20-2007 by L.L. No. 7-2007]

No person shall, at any time, obstruct a sidewalk with a vehicle, garbage, bulk trash, bicycles, brush, wood, tree limbs, grass clippings, hoses, personal items. or any other materials.

§ 177-19. Unmotorized devices/vehicles. [Amended 6-23-2011 by L.L. No. 3-2011]

In order to protect the safety of the residents of the Village of Alden by providing that unmotorized devices shall not be placed on public property which would impede the flow of traffic, including emergency vehicles, it is the intent of the Board of trustees to restrict the placement of such devices when same are unhitched or otherwise not connected to a motor vehicle.

- A. Unmotorized devices and/or vehicles shall be defined as including, but not be limited to, trailers, boats, all terrain vehicles, tractors, snow mobiles, and campers or such other similar devices that may be transported or drawn upon a highway.

- B. The Unmotorized devices and/or vehicles shall, when unhitched, not be parked on any public street, public parking lot, or other public place within the Village of Alden.
- C. The Unmotorized devices and/or vehicles shall, when unhitched, not be parked within or on any front lawn of any property within the Village of Alden.
- D. The Unmotorized devices and/or vehicles shall, when unhitched, not be parked preventing ingress and egress over and about any public sidewalk within the Village of Alden.
- E. The It shall not be a defense to any claimed violation under this Chapter that such unmotorized device was licensed or otherwise registered in the State of New York.

§ 177-20. Enforcement. [Amended 8-11-2016 by L.L. No. 6-2016]

The provisions fo this Chapter shall be enforced by the Superintendent of Public Works and/or any police/peace office, or both.

§ 177-21. Penalties for offenses. [Amended 12-20-2007 by L.L. No. 8-2007]

Except as otherwise set forth, a violation of this chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for a period not exceeding fifteen (15) days, or by both fine and imprisonment. Costs for removal shall be in addition to any other penalties as determined by the Court.

§ 177-22. Severability. [Amended 8-11-2016 by L.L. No. 6-2016]

Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said local law shall not be affected thereby and shall remain in full force and effect.