

STREETS AND SIDEWALKS

Chapter 51

STREETS AND SIDEWALKS

ARTICLE I

General Provisions

S 51-1. Intent.

S 51-2. Penalties for offenses.

S 51-3. Severability.

ARTICLE II

Obstruction of Streets and Sidewalks

S 51-4. Obstructions.

S 51-5. Building materials on sidewalks; enclosed passageways.

S 51-6. Exception for construction.

ARTICLE III

Prohibited Acts

S 51-7. Games prohibited.

S 51-8. Injuring pavement prohibited.

S 51-9. Hydrants.

S 51-10. Animals and vehicles on sidewalks.

ARTICLE IV

Bicycles

S 51-11. Parking.

S 51-12. Riding on sidewalks.

S 51-13. Yielding to and passing pedestrians.

ARTICLE V

Openings and Excavations

S 51-14. Permit required.

S 51-15. Application for permit.

S 51-16. Permit fees.

S 51-17. Liability insurance.

S 51-18. Notice of excavation.

S 51-19. Safety requirements.

S 51-20. Permit regulations

ARTICLE VI
Notification of Defects

S 51-21. Prior notice required.

ARTICLE VII
Special Use Permits

S 51-22. Issuance of special permits.

[HISTORY: Adopted by the Attica Village Board 6-6-2000 by L.L. No. 7-2000. Amendments noted where applicable.]

Editor's Note: This local law also repealed former Ch. 51, Streets and Sidewalks, consisting of Art I, Storage on Streets, adopted 4-24-1911; Art II, Obstruction of Streets and Sidewalk, adopted 7-11-1898; Art. III, Games on Streets, adopted 7-11-1898; Art IV, Fires on Streets adopted 1-5-1948; and Art. V, Animals and Vehicles on Streets adopted 12-21-1967.

GENERAL REFERENCES

**Assemblages – See Ch. 4.
Dogs and other animals – See Ch. 13.
Excavations – See Ch. 19.
Snow and ice removal – See Ch. 47.**

ARTICLE I
General Provisions

S 51-1. Intent.

It is the intent of this chapter to establish rules and regulations governing the use of public streets and sidewalks within the Village of Attica in order to ensure the maximum benefit of access to all areas of the village consistent with the safety and best interests of the community.

S 51-2. Penalties for offenses.

Except as otherwise specifically provided for herein, a violation of any provision of this chapter is punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

S 51-3. Severability.

If any part of this law is deemed or found to be unenforceable, illegal, unconstitutional or otherwise void, such judgment shall not affect or impair the validity of the remainder of the law or the application thereof to other persons or circumstances.

ARTICLE II
Obstruction of Streets and Sidewalks

S 51-4. Obstructions.

No person shall obstruct, or cause or permit to be obstructed, any sidewalk or crosswalk in the village by placing thereon any boxes, barrels, goods, wares, merchandise, containers or other obstruction of any kind or nature or suspending any sign, goods, wares, containers or other merchandise across or over any walk, except for a space three feet in width and immediately in front of places of business, for the display of merchandise and wares kept for sale by the occupants of said business places, except temporarily when loading or unloading a vehicle.

S 51-5. Building materials on sidewalks; enclosed passageways.

No person shall place or cause to be placed in or upon any public street, lane, alley or sidewalk any stone, brick, plank, timber, lumber or other building material, without the written permission of the Board of Trustees; provided, however, that such permission shall not be for a period longer than three months, nor shall such permission authorize the obstruction of any sidewalk or crosswalk unless an enclosed passageway is constructed and subject to such other terms and conditions as the Board of Trustees may establish to safeguard the public and to minimize the interference of the public in the use of such street or other passageway.

S 51-6. Exception for construction.

Any person erecting or repairing a building on or within 12 feet of the line of any public street or sidewalk may, upon written permission of the Village Administrator, for a reasonable time not to exceed 30 days while such building is being so erected or repaired, use and occupy the street or sidewalk immediately in front of such building up to 1/3 the width of such public street or sidewalk on the side nearest to such building for storing materials and for other purposes directly connected with such erection or repairing.

ARTICLE III
Prohibited Acts

S 51-7. Games prohibited.

No person shall play ball or aid or assist in playing any game of ball, or any other game of ball, or any other game, in or upon any street or alley in the Village of Attica.

S 51-8 Injuring pavement prohibited.

No person may throw, drop or project any heavy object upon the sidewalks or pavements of the village so as to injure the same.

S 51-9. Hydrants.

No person may cover or obstruct any fire hydrants.

S 51-10. Animals and vehicles on sidewalks.

No person shall operate, drive or ride or permit another person to operate, drive or ride any vehicle or animal on a public sidewalk in the Village of Attica.

**ARTICLE IV
Bicycles**

S 51-11. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

S 51-12. Riding on sidewalks.

No person 12 or more years of age, other than newsmen on delivery routes, shall ride a bicycle on a sidewalk within the business districts (on Main Street from Prospect Street to Market Street, Exchange Street from Main Street to the railroad tracks or any sidewalk along Market Street) unless accompanying a child of 11 or less years of age.

S 51-13. Yielding to and passing pedestrians.

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

**ARTICLE V
Openings and Excavations**

S 51-14. Permit required.

No person, public service company or municipality other than the Village of Attica may make any excavation in any public street, terrace or sidewalk for any purpose without first obtaining a permit from the Village Clerk as hereinafter provided.

S 51-15. Application for permit.

- A. An application for a permit must be filed with the Village Clerk. The application must 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 Village Board. Said general

undertaking is tendered to assure that after completing the excavation, said applicant will leave the street, highway, sidewalk, pavement, curb or gutter in the same condition as it was prior to the excavation.

- C. Applications by persons other than public service companies must be accompanied by a minimum cash deposit of \$400 (or such greater amount as the Village Board may be resolution establish) or, in the alternative, a surety bond, to be approved by the Village Attorney, to assure that after completing the excavation, said applicant will leave the surface in the same condition as it was prior to excavation. In the event that the applicant fails to repair or replace such surface in the time provided in the permit, the deposit will be forfeited to the extent necessary to repair such surface.

S 51-16. Permit fees.

Each applicant (except those for utility poles) must pay a permit fee to the Village Clerk in an amount to be established by resolution of the Village Board for each excavation. However, no additional permit fee will be charged under this chapter for any initial water tap; there will be a permit fee for an initial water sewer tap; and no permit fee will be charged for an initial water tap in connection with new construction where a building permit has been obtained; however there will be a permit fee for an initial sewer tap.

S 51-17. Liability insurance.

- A. The applicant must file with the application a general liability insurance policy or a certificate of insurance naming the Village of Attica as an additional insured. The Village Board will approve the policy as to form.
- B. The policy must insure the Village of Attica, and the applicant and must cover all operations relative to the excavation and reconstruction. Said policy must have minimum limits of liability of at least \$100,000 for bodily injury to each person and aggregate liability of at least \$500,000 for each accident, and property damage liability of at least \$25,000 for each accident and aggregate property damage of at least \$100,000. The Village Board may, by resolution, from time to time establish greater minimum limits.
- C. In lieu of the aforesaid liability insurance, public service companies may submit a general undertaking in such form as may be approved by the Village Board.

S 51-18. Notice of excavation.

The Village Administrator may require any person making a sidewalk or street 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 is required, no work may be commenced under such permit until such required notice has been fully complied with to the satisfaction of the Village Administrator.

S 51-19. Safety requirements.

- A. Any person making an excavation covered by this article must erect suitable barriers or guards for the protection of persons using the streets or sidewalks and must set up and maintain during the hours of darkness sufficient lights or flares to properly illuminate the area. Such person must also take all necessary precautions for the protection of the property of the village, or public service companies or multiple districts and of others which may be endangered by such excavation or the work incident thereto, and he or she must comply with all directions given by the Village Administrator or his designee with respect to such barriers, lights, flares and protective measures.
- B. Open excavations used for commercial or industrial purposes must be enclosed with a substantial fence with suitable gates.

S 51-20. Permit regulations.

- A. Work under the permit must be commenced within 30 days of the date of the issuance of the permit and continued in an expeditious manner unless extension of this period is approved by the Village Board.
- B. Construction.
 - (1) When work is being performed on any village street or sidewalk, no pavement cuts or trenches are to be left unfilled overnight except in emergencies and with the approval of the Village Administrator. In such cases, adequate precautions must be exercised to protect traffic. When working on any sidewalk or street, contractors must complete final backfilling of any open trench within 14 days from the time of its opening.
 - (2) All pipes or mains crossing under street pavement must, whenever possible, be driven beneath the roadway without disturbance from the edge of the pavement. Such crossover pipes must, whenever possible, be enclosed in sleeves or larger pipes so that repairs or replacements may be made in the future without disturbance of highway pavement.
 - (3) In the event that a trench is opened, the trench must be compacted to within four inches of the road surface after completion of the necessary work and construction. The existing asphalt surface must then be cut back at least 12 inches on either side of the undisturbed grade.
 - (4) At the discretion of the Village Administrator, the contact surfaces, the packed surfaces and/or adjacent pavement edges must be painted and sealed with approved bituminous and/or bluestone material before or after placing the course of asphalt, which must be four inches of New York Specification 6-8 hot plant mix. This course must be rolled with an eight-to-ten ton roller, and surface variations in excess of ¼ inch must be eliminated or the pavement re-laid.
 - (5) If the trench is in the earthen shoulder of the roadway, the proper compaction, as outlined above, must apply with the addition of a covering of sod or grass seeding as specified by the Village Administrator.

- C. A free flow of traffic is to be maintained at all time during the progress of the work. Adequate signs, barricades and lights necessary to protect the public must be provided. Flagmen must 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 must be left on the pavement after working hours, nor may any construction equipment or materials be placed in such manner or location that will obstruct the highway or railroad warning signs. Barricades, whether in sidewalk or roadway areas, must have prominently displayed the address and telephone number of someone available 24 hours a day who must reestablish the same in an emergency. Access to adjacent property must be maintained.
- D. The applicant is responsible for notifying the Village Administrator 24 hours prior to any street or sidewalk opening and street or sidewalk closing.

ARTICLE VI
Notification of Defects

S 51-21. Prior notice required.

Pursuant to Article 6, S 6-628 of the New York State village Law, no civil action shall be maintained against the village for damages or injuries to persons or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to persons or property solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect, within a reasonable time after the receipt of such notice, to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed or to make the place otherwise safe.

ARTICLE VII
Special Use Permits

S 51-22. Issuance of special permits.

Any person or persons utilizing the public streets or sidewalks for an event in the Village of Attica must obtain a special use permit from the Village Clerk's office. This permit must be submitted at least two weeks prior to the event; there shall be no charge for this permit. When the permit is submitted, the Village Administrator shall alert the Police and Public Works Departments of the upcoming event and what might be required of them.

