

STREETS AND SIDEWALKS

Chapter 108

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring: Part 1, 8-10-71 as L.L. No. 3-1971; Part 2, 3-10-64; Part 3, 8-11-1931 as Sections 29, 30, 31, 8, 9, 10, 11 and 2 of the Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Reimbursement of Consultants' Expenses - Ch. 57.
Licensing - See Ch. 71
Signs and Placards - See Ch. 104.

Part I Street Openings and Driveways [Adopted 8-10-71 as L.L. No. 3-1971]

ARTICLE I Street Openings

§ 108-1. **General regulations.**

- A. General regulations. No opening or excavation by cutting, digging or otherwise, subsequently herein referred to as an "operation," shall be made, commenced or

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carried on in or under any street, highway, sidewalk, sidewalk area or public place in the Village of Cold Spring for any purpose whatsoever, except as hereinafter provided in Article II of Part 1 of this Chapter, until a written permit therefor has been duly issued as herein provided and except in accordance with the procedures set forth in § 108-2 hereof and in compliance with §§108-3 and 108-4 hereof.

- (1) The provisions of this Article shall be applicable to any and all operations being worked at the time this Article shall become effective. No operation shall be extended in an area after the effective date of this Article without first securing a permit therefor in accordance with the provisions of this Article.
 - (2) Public utility companies may, in lieu of the deposit hereinafter mentioned, deposit with the Village Clerk its bond or a surety company bond approved as to form, manner of execution and sufficiency by the Village Board of the Village of Cold Spring, which bond shall be retained as security for the faithful performance by the applicant of all the terms, agreements, covenants and conditions of the permit on the applicant's part to be done or performed, and which said bond shall be in an amount to be determined by the Highway Crew Chief, but in no case shall the face amount of the bond be less than five thousand dollars (\$5,000).
 - (3) Any city, village, town, public improvement district or other municipality may, in lieu of making the cash deposit hereinafter mentioned, file with the Highway Crew Chief a certified copy of a resolution duly adopted by the governing board of such municipality, which said resolution shall guarantee faithful performance by said municipality of all the terms, agreements, covenants and conditions as set forth in the permit. Said resolution shall be effective for the remainder of the calendar year in which it is adopted.
 - (4) Emergency openings. If it becomes necessary, in case of an emergency or any unforeseen happening, to enter upon a Village street for the purpose of making emergency repairs to any sewer, water pipe, conduit or other underground or overhead structure, any person, firm, corporation, public utility or municipal subdivision may do so forthwith, provided that within twenty-four (24) hours of the time of making such opening (Sundays or holidays not included), proper application for a permit is made therefor.
- B. Prohibited operations. In any residence district, no operation authorized under this Article shall be permitted on Sunday nor before 8:00 a.m. or after 5:00 p.m. on other days. In any business or industrial district, no operation authorized under this Article shall be conducted on Sunday, except where otherwise permitted by law. The Highway Crew Chief, in his/her discretion, may vary or modify the application of this provision as occasion and/or necessity may demand.

§ 108-2. Application procedure.

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A. Application for a permit under this Article shall be made to the Village Clerk in writing, in duplicate, for each such operation, and shall contain the following information:

- (1) Full name and address of the applicant.
- (2) Full name and address of the owner or owners of the property in front of which the operation is to be performed.
- (3) The location by street address, if any, of the property in front of which the operation is to be performed, and the Tax Map designation of the same.
- (4) Statement of the proposed operation and size thereof and purpose thereof.
- (5) The date or dates when the proposed operation is to be commenced and the date or dates when the operation is to be completed.
- (6) The type of pavement or surface to be disturbed.
- (7) A sketch of the proposed operation, with dimensions thereof.
- (8) The estimated maximum quantity to be excavated and/or removed, and the estimated part thereof that will be used for regrading or filling.
- (9) The rehabilitation proposed.
- (10) The estimated cost of the entire proposed operation.
- (11) The location, if any, of any tiles or drainage system, water mains or other public utility conduits, etc., which may be within the area of the proposed operation shall be shown on the required sketch.
- (12) Any additional information which may be reasonably required by the Highway Crew Chief.
- (13) A signed statement by the applicant that the said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the Village Law and other applicable statutes, and local laws and ordinances of the Village of Cold Spring and the rules and regulations of the Highway Department of the Village of Cold Spring.

A sample form of the application is appended as part of this Chapter and may be changed or amended from time to time by resolution of the Village Board of Trustees.

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- B. Upon receipt of the application, as herein provided for in Subsection A hereof, the Highway Crew Chief shall act thereon by issuing or refusing to issue a permit. No permit shall be issued by him/her except where there is compliance with the provisions of this Article and all other laws and ordinances, rules and regulations of the Village of Cold Spring and its Highway Department. Such a permit, when issued, shall be effective for such period of time, not to exceed thirty (30) consecutive days, as specified thereon by the Highway Crew Chief. Such specified period of time may be extended for the completion of the operation, if so requested in writing by the permittee prior to the expiration date thereof, for such additional period or periods of time as authorized by the Highway Crew Chief.

§ 108-3. Fees and deposits.

- A. No permit for an operation shall be issued by the Highway Crew Chief until the applicant therefor shall have first paid a fee to the Village Clerk. The fee can be found in the Master Fee Schedule.

- (1) A deposit in an amount to be determined by the Highway Crew Chief, computed based on the square yardage of said surface to be disturbed, and if and when machinery is used in connection with an operation and there is the likelihood of damage or injury to areas other than the specific location of the operation, a deposit of an additional amount may be required, said additional amount to be determined by the Highway Crew Chief, computed based on the square yardage of the additional area affected. The first one thousand dollars (\$1,000) shall be cash. Excess may be surety company bond approved by the Village Board. Said deposit shall be retained by the Village for the duration of the period of maintenance, as hereinbelow defined:

- (a) The period of maintenance shall be considered as a period of twelve (12) months after the date of final completion of the operation, as determined by the Highway Crew Chief and pursuant to the terms of the permit. The permittee shall be responsible for the entire operation and shall keep every portion of the same in good order and repair for the entire period of maintenance. **[Amended 7-17-01 by L.L. 2001-09]**

- (2) Bond with one (1) or more sureties approved by the board, to indemnify and save harmless the Village of Cold Spring for and from all losses, costs and damages which may result from the work being done carelessly or imperfectly. **[Amended 7-17-01 by L.L. 2001-09]**

- B. Upon the failure or default by the permittee of or in any of the terms, agreements, covenants and conditions of the permit on the permittees part to be done, to be performed or to be completed, said deposit may be used by the Village for any expense incurred by the Village by reason of such failure or default on the part of the

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permittee, and after the expense caused by such failure or default, as determined and certified by the Highway Crew Chief, has been paid and deducted from the amount of the deposit, any balance left shall be refunded to the permittee.

- C. The amounts of the fees and deposits required in this section may be changed or amended from time to time by resolution of the Village Board of Trustees.

§ 108-4. Insurance requirement.

- A. Amount for request by individual. No permit for an operation under this Article requested by an individual shall be issued by the Highway Crew Chief until the individual shall have first placed on file with the Village Clerk, without cost to the Village, a certificate of insurance providing public liability coverage insuring the Village of Cold Spring in an amount not less than five hundred thousand dollars (\$500,000) per occurrence/ one million dollars (\$1,000,000) general aggregate from and against all claims, damages, demands, losses, expenses, fines, causes of action, suites or other liabilities (including all costs, reasonable attorneys' fees, consequential damages, and punitive damages), whether such claim, damage, demand, loss or expense is attributable to bodily injury, personal injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss or use resulting therefrom. Such certificate shall provide that such insurance policy shall not be cancelled except on thirty (30) days notice to the Village.
- B. Amount for request by entity. No permit for an operation under this Article requested by an entity shall be issued by the Highway Crew Chief until the entity shall have first placed on file with the Village Clerk, without cost to the Village, a certificate of insurance providing public liability coverage insuring the Village of Cold Spring in an amount not less than one million dollars (\$1,000,000) per occurrence/ two million dollars (\$2,000,000) general aggregate from and against all claims, damages, demands, losses, expenses, fines, causes of action, suites or other liabilities (including all costs, reasonable attorneys' fees, consequential damages, and punitive damages), whether such claim, damage, demand, loss or expense is attributable to bodily injury, personal injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss or use resulting therefrom. Such certificate shall provide that such insurance policy shall not be cancelled except on thirty (30) days notice to the Village.
- C. Duration. Such insurance hereinabove referred to shall remain in force throughout the effective period of the permit and/or any authorized extension or extensions thereof and shall carry an endorsement to the effect that the insurance company will give at least ten (10) days prior written notice to the Village of Cold Spring of any modification or cancellation of any such insurance, and shall contain a clause to the effect that termination of said insurance shall be without prejudice to the right of the Village of Cold Spring to make claim or claims thereafter for any loss or damage

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sustained as a result of any act or acts committed or omitted during the term of said insurance.

§ 108-5. Protection of existing structures and traffic.

- A. Existing structures. No work shall be commenced in connection with an operation for which a permit has been granted under the provisions of this Article until the permittee shall have given written notice of the issuance of such a permit, at least twenty-four (24) hours prior to the commencement of such work, to the owner or lessee of any pipes, conduits or other structures lying upon, over or under the surface of the area wherein the operation is to be performed pursuant to the permit issued hereunder, or to the person, firm or corporation having the custody, control, care or maintenance of said pipes, conduits or other structures, and said permittee shall file with the Highway Crew Chief proof of the service of said written notice herein referred to. The permittee shall at all times during the performance of the work on said operation, at his/her own expense, preserve, support, maintain in operation and protect and safeguard from injury or damage such pipes, conduits or other structures and in case of injury or damage, shall restore the same, at his/her own cost and expense, to the same condition as they were prior to the commencement of the work on the said operation, and in the event of the failure of the permittee to comply with the provisions of this section, such injuries and damages may be corrected and repaired by the owner thereof, his agents or employees, and the cost thereof and all damages sustained shall be paid by the permittee.
- B. Traffic. Unless otherwise authorized by the Highway Crew Chief, traffic shall be maintained at all times during the progress of the operation being performed under the permit, and the permittee shall have due regard for the safety of all traffic and the public and shall:
- (1) Erect and maintain suitable barricades, fences and/or guardrails around the area of operation during the work on said operation, and arrange the same in such manner as to cause a minimum of inconvenience, hazard and delay to any and all traffic.
 - (2) Suitably place, install and maintain adequate warning flags or signs and lighted amber lamps or flares. **[Amended 7- 17- 01 by L.L. 2001-09]**
 - (3) Provide a flagman, if deemed necessary by the Highway Crew Chief, and, if so ordered by the Highway Crew Chief, in accordance with his/her directions and instructions.

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- (4) Designate and furnish competent persons to direct and expedite traffic, by means of lights or flags, when necessary, to minimize inconvenience, hazard and delay to any and all traffic.
- (5) Arrange and conduct the work in connection with said operation so as to make possible the removal completely of any obstructions to any and all traffic on Saturdays, Sundays and holidays, if so required by the Highway Crew Chief.

ARTICLE II Driveways

§ 108-6. General regulations.

No driveway entrances and exits and no alteration, change, relocation or reconstruction of existing driveway entrances and exits, subsequently herein referred to as an "operation," shall be constructed by owners and occupants of property abutting on public or private highways or streets for any purpose whatsoever until a written permit therefor has been duly issued as herein provided and in accordance with the procedures set forth in §§ 108-7 and 108-8 hereof.

§ 108-7. Application procedure.

- A. Application for a permit under this Article shall be made to the Village Clerk in writing, in duplicate, for each such operation, and shall contain the following information:
- (1) Full name and address of the applicant.
 - (2) Full name and address of the owner or owners of the property in front of which the operation is to be performed.
 - (3) Full name and address of the owner or owners of the property for whom the operation is to be performed.
 - (4) The location by street address, if any, of the property in front of which the operation is to be performed, and the Tax Map designation of the same.
 - (5) Statement of the proposed operation and size thereof and purpose thereof.
 - (6) The date or dates when the proposed operation is to be commenced and the date or dates when the operation is to be completed.
 - (7) A sketch of the proposed operation, including a profile from the crown of the road to the property line, with dimensions thereof, and a sketch and profile of

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any sidewalks involved in the proposed operation, including a profile of the driveway as it crosses the sidewalk..

- (8) The location, if any, of any tiles or drainage system, water mains or other public utility conduits, etc., which may be within the area of the proposed operation shall be shown on the required sketch.
- (9) Any additional information which may be reasonably required by the Highway Crew Chief.
- (10) A signed statement by the applicant that the said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the Village Law and other applicable statutes, and the ordinances of the Village of Cold Spring and the rules and regulations of the Highway Department of the Village of Cold Spring.
- (11) The proposed location of the entry of said driveway onto the street or highway.

A sample form of the application is appended as part of this Chapter and may be changed or amended from time to time by resolution of the Village Board of Trustees.

- B. Upon receipt of the application as herein provided for in Subsection A hereof, the Highway Crew Chief shall act thereon by issuing or refusing to issue a permit. No permit shall be issued by him/her except where there is compliance with the provisions of this Article and all other laws and ordinances and rules and regulations of the Highway Department of the Village of Cold Spring. Such a permit, when issued, shall be effective for such period of time, not to exceed one hundred twenty (120) consecutive calendar days, as specified thereon by the Highway Crew Chief. Such specified period of time may be extended for the completion of the operation, if so requested in writing by the permittee prior to the expiration date thereof, for such additional period or periods of time as authorized by the said Highway Crew Chief.
- C. Said permit, when issued, shall contain the following conditions to be complied with by the permittee:
 - (1) The proposed driveway at the point of entrance on the highway or street shall have the optimum of sight distances, both vertical and horizontal.
 - (2) The grade, width and drainage of said proposed driveway shall minimize any possible damage or injury to the highway or street and shall be such as to provide the maximum safety for all traffic on the highway or street in the area of the entrance of the said proposed driveway.

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- (3) The grade, width and drainage of said proposed driveway which crosses any Village sidewalk shall minimize any danger to pedestrians from significant grade changes and potential ice conditions.
 - (4) Any additional requirements which may be imposed by the Highway Crew Chief for the preservation of highways, streets and the Village system for drainage of surface waters, and for minimizing hazards and dangers to the traffic.
- D. Upon notification by the permittee of the completion of the proposed driveway, the Highway Crew Chief shall inspect said driveway to determine that its completion is in accordance with the permit. When the Highway Crew Chief is satisfied that the conditions of such permit have been met, he/she shall issue a certificate of compliance. There shall be no use of such driveway for any purpose other than the construction until such certificate of compliance has been issued. No Certificate of Occupancy shall be issued by the Code Enforcement Officer of the Village of Cold Spring if a permit for driveway construction is required until such certificate of compliance has also been issued.

§ 108-8. Fees and deposits.

- A. No permit for an operation shall be issued by the Highway Crew Chief until the applicant therefor shall have first paid to the Village Clerk in cash or by check payable to the order of the Village of Cold Spring:
- (1) A fee, found in the Master Fee Schedule, to cover the cost of issuing the permit and the supervision and inspection of the work done in connection with said operation. **[Amended 7-17-01 by L.L. 2001-09]**
 - (2) A deposit in an amount to be determined by the Highway Crew Chief, computed at a rate per square yard of the surface of any street, highway, sidewalk, sidewalk area or public place, including drainage ditches, gutters, culverts, pipes, curbs or curbing, which may be disturbed, injured or damaged in connection with an operation hereunder, and if and when machinery is used in connection with an operation and there is a likelihood of damage or injury to areas other than the specific location of the operation, a deposit of an additional amount may be required, said additional amount to be determined by the Highway Crew Chief, computed at a rate per square yard of the area affected. When entrance on a private road is involved, proof of easement is required, and authorization from the fee owner of said road to the Village to have any default corrected is also required. **[Amended 7- 17- 01 by L.L. 2001-09]**
 - (3) Bond with one (1) or more sureties approved by the Board, to indemnify and save harmless the Village of Cold Spring for and from all losses, costs and damages which may result from the work being done carelessly or imperfectly. **[Amended 7-17-01 by L.L. 2001-09]**

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- B. The amounts of the fees and deposits required in this section may be changed or amended from time to time by resolution of the Village Board of Trustees.
- C. Said deposit shall be retained by the Village until a certificate of compliance shall have been issued by the Highway Crew Chief as hereinbefore provided in § 108-7 D.
- D. Upon the failure or default by the permittee of or in any of the terms, agreements, covenants and conditions of the permit on the permittees part to be done, to be performed or to be completed, said deposit may be used by the Village for any expense incurred by the Village by reason of such failure or default on the part of the permittee, and any balance left after the expense caused by such failure or default, as determined and certified by the Highway Crew Chief, has been paid and deducted from the amount of the deposit, shall be refunded to the permittee.

ARTICLE III Violations

§ 108-9. Violations.

- A. Whenever any person shall have been notified in writing by the Highway Crew Chief that he/she is violating the provisions of Article I or Article II or of any permit or extension thereof issued hereunder, or is served with a summons or warrant accusing thereof, each day that he/she shall continue such violation after such notification or service shall constitute a separate offense, punishable by a like fine or penalty.
- B. Notwithstanding the penalties herein provided, the Village Board may 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 any provision of this Chapter.

ARTICLE IV Titles and Forms

§ 108-10. Title of permit.

All permits issued pursuant to Article I and Article II of this Chapter shall be known and designated as "street opening/driveway permit."

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§ 108-11. Highway Crew Chief.

Wherever the title "Highway Crew Chief" is used throughout this Chapter, it shall mean and include the person charged with supervision of construction, maintenance, repair and/or improvement of the streets and highways in the Village of Cold Spring.

§ 108-12. Form of application and permit.

An application for a permit to open a street or to construct a driveway shall be in the following form:

Village of Cold Spring
Putnam County, N.Y.

PERMIT NO.....

Date:..... 20__

APPLICATION IS HEREBY MADE to the Highway Crew Chief for the issuance of a Permit pursuant to the Village of Cold Spring Street Opening/Driveway Law for [] Street Opening/Driveway Permit as herein described.

Name and address of Applicant

.....
.....

Date Operations is to commence

Completion Date:

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Insurance Carrier:

Policy No.

Expiration Date:

Name and address of owner of Property in front of which operation is to be performed.

.....
.....

Tel.

Name and address of owner of Property for whom the operation is to be performed.

.....
.....

Tel.

Location of Operation:
Street address, if any:

.....

Tax Map Designation:

Section: Lot:

Attach a sketch of proposed operation. See instructions. Number of square yards of roadway to be disturbed

FOR STREET OPENINGS ONLY:

1. Type of pavement to be disturbed, if any:
2. Estimated maximum amount of material to be excavated or removed:
.....

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3. The restoration proposed, including specific method of compaction and type and amount of resurfacing material to be used:

4. Estimated cost:

Fee Paid Cash
 Check

Deposit Paid Cash Date
 Check Paid

.....hereby certifies that he/she is the applicant and is duly authorized to perform or have performed the said work and to make and file this application; that all statements contained in this application are true to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application in full and strict compliance with the terms of the Cold Spring Street Opening/Driveway Law and any and all provisions of the Village Law and other applicable statutes, local laws, ordinances and rules, and the rules and regulations of the Highway Department, of the Village of Cold Spring.

.....
Signature of Applicant

Approved

Subject to following conditions:

.....
.....

.....
Highway Crew Chief

This copy to Applicant

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Part 2
Street Specifications
[Adopted 3-10-64]

ARTICLE V
Minimum Specifications

§ 108-13. Legislative intent.

This Article is enacted pursuant to Sections 4-412 and 20-2002 of the Village Law of the State of New York and pursuant to the General Village Law of the State of New York, and sets forth the minimum specifications for roads to be accepted for maintenance by the Village of Cold Spring.

§ 108-14. Requisites for street acceptance.

No street, road or highway shall be accepted by the Village of Cold Spring for a public street to be held and maintained by the Village of Cold Spring until the following minimum specifications have been provided and completed:

- A. Water. A six (6) inch water main shall be installed the entire length of street with necessary fire hydrants and connections as prescribed by the Board of Fire Underwriters. Such installation shall be done in a manner satisfactory to the Village Engineer.
- B. Electricity. Streetlights and electric power service shall be installed in accordance with the recommendation of the Central Hudson Gas and Electric Corp.
- C. Pavement. The street shall be fifty (50) feet in width with the paved portion at least thirty (30) feet wide, located symmetrically with respect to the center line of the right-of-way. The paved portion of the roadway shall consist of a base course having a minimum depth of twelve (12) inches of run-of-bank gravel with a bituminous penetration macadam surface course having a finished thickness of not less than two and one-half (2 ½) inches. The work shall be done in accordance with the direction of the Village Engineer.
- D. Drainage. Where natural watercourses cross the highway and at such other points as may be directed, reinforced concrete pipe of approved size shall be installed. (Steel or cast-iron pipe may be substituted if specifically approved.) The pipe shall be laid to a uniform grade, and all joints shall be sealed. Where the width of right-of-way does not permit extension of culverts to clear embankments, concrete or masonry in mortar headwalls shall be constructed as directed. Catch basins shall be installed where directed.

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- E. Embankment. Earth fills in excess of two (2) feet in depth under the roadway shall be compacted in six-inch layers with approved compaction equipment.
- F. Shoulders. Shoulders shall be of selected materials, not less than three (3) feet in width and having a slope of one (1) inch per foot.
- G. Gutters. Gutters shall be at least three (3) feet in width and not less than six (6) inches nor more than eight (8) inches in depth. On grades in excess of four (4)%, they shall be paved with concrete or grouted stone, bituminous macadam or bituminous concrete.
- H. Slopes. No excavation (except in rock) or embankment shall have a slope of less than one to one and one-half (1:1 ½) inches per foot. Unstable materials shall have slopes of not less than one (1) inch in two (2) feet.
- I. Grades. In general, no street grade shall exceed seven (7)% nor be less than one (1)%. Exceptions shall be specifically permitted where local conditions warrant. The profile of the road shall show a smooth and flowing appearance, and no sharp-transition curves shall be permitted.
- J. Protection. Guard fence or guard posts shall be installed as directed on all shoulders where the embankment exceeds three (3) feet in height.
- K. Inspection. The Village Engineer shall have access to all parts of the work while under construction at all times. No portion of the work which will not be exposed upon final completion shall be covered until reasonable opportunity for inspection, after notice, has been given.
- L. Sewer. An eight (8) inch sewer line with necessary risers shall be installed, with manholes built not more than two hundred (200) feet apart. Such installation shall be done in a manner satisfactory to the Village Engineer. Suitable connections to existing sewer mains or provision for connections to future sewer mains in adjoining Village streets shall be made to the satisfaction of the Village Board.

§ 108-15. Approval of Engineer.

The Village Engineer referred to in this Article shall include any specific engineer appointed by the Board of Trustees of the Village of Cold Spring to investigate compliance with the aforesaid specifications for any street, road or highway being offered to the Village of Cold Spring. All fees incurred by the Village as part of the engineer's investigation shall be reimbursed by the applicant/property owner pursuant to Chapter 57 - Reimbursement of Professional Consultants' Expenses.

§ 108-16. Provisions not exclusive.

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The contents of this Article are not exclusive, but are in addition to such other laws applicable to the matter contained herein. The right to amend, cancel or change the whole or any part of this Article is hereby reserved.

Part 3 Miscellaneous Regulations [Adopted 8-11-1931]

ARTICLE VI Care of Streets and Sidewalks; Conduct

§ 108-17. Definitions

SIDEWALK – A Sidewalk or pavement is a path along the side of a road for the use of pedestrians;. A Sidewalk is normally separated from the vehicular section by a curb and possibly by a Utility Strip.

UTILITY STRIP - a strip of grass or plants, and sometimes also trees, located between a curb and roadway and a Sidewalk. A Utility Strip may also contain utility poles, fire hydrants, benches, pavers and/or barriers to prevent people and animals from walking on the grass or plants.

§ 108-18. Injuring pavement.

No person or persons shall throw, drop or project any heavy object upon the Sidewalks or pavements of the Village so as to injure the same.

§ 108-19. Cellarway and stairway projections.

The owner or owners of buildings having a stairway, steps or cellarway projecting into any street in said Village shall guard the same at all times with good and sufficient railings.

§ 108-20. Street encroachments.

If any fence, building or other permanent structure shall at anytime encroach upon the boundaries of any street in said Village, the owner or owners thereof or the occupant or occupants of the lot which shall adjoin the same shall remove the same within ten (10) days after notice in writing to do so shall be served upon him/her or them by the Trustees of said Village.

§ 108-21 Prohibited Deposits

The deposit of any dirt, filth, waste, rubbish, household items, debris, leaves, or branches or similar items in any street, highway, Sidewalk, Sidewalk area or public place, or

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encumbering thereof by any encroachment of buildings, structures, excavation or otherwise, or any act which in any manner damages or injures a Village street or interferes with or obstructs in any manner the drainage and other uses of the highway for municipal purposes and for use by the public and traffic thereon, is hereby prohibited.

- A. Leaves. No person shall place or deposit leaves within the Village right-of-way or upon any street or Sidewalk except in conformity with this section. Leaves shall be permitted within the village right-of-way only in suitable containers and only on the night before the regularly scheduled day for collection of Yard Debris and Leaf Pick Up by the Village Highway Department.
- B. **[Added 2-10-04]** Plowing, blowing or pushing of snow onto streets or highways is prohibited.

§ 108-22. Cleaning of Sidewalks; snow and ice removal. [Amended 1-05-2016 by L.L. 2016-01]

- A. General. The owner or owners and occupant or occupants of each and every building and lot of ground in the Village shall at all times keep the Sidewalk in front of their respective houses, buildings and lots free from weeds and rubbish of every kind.
- B. Snow and ice removal. The owner or owners and occupant or occupants of each and every building and lot of ground in the Village shall at all times during the season of frost keep at least a three (3) foot width of Sidewalk in front of and adjacent to their respective houses, buildings and lots free of snow and ice.
- C. Time limit for snow and ice removal. Snow and ice shall be removed within eighteen (18) hours after the end of a snowfall. Sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 10:00 a.m. and 5:00 p.m.
- D. Use of sand or other material. In the event snow or ice on any Sidewalk cannot be removed, it shall, within the time frame specified in §108-22 C, be covered with sand or other materials not detrimental to the concrete such as calcium chloride, in such a manner as will enable persons to walk thereon with safety. Rock salt or salt based materials are strongly discouraged. As soon as practical thereafter, the Sidewalk shall be completely cleared of snow, ice and other materials strewn thereon.
- E. Snow, ice and water falling from and/or draining from buildings. The owner or owners and occupant or occupants of buildings adjacent to public Sidewalks and walkways shall take reasonably adequate measures to protect the public from the falling snow, ice or water from such buildings upon those Sidewalks. In addition, owner(s) and occupant(s) of buildings adjacent to public Sidewalks and walkways shall keep the Sidewalks and walkways free of ice from water draining from

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buildings.

- F. Deposit on Streets. No individual or entity of any kind shall deposit, throw, place or strew, nor shall any individual or entity cause to be deposited, thrown, placed or strewn, any snow or ice upon any street, avenue or roadway within the Village of Cold Spring.
- G. Enforcement. The Police Department of the Village of Cold Spring or any other Police Department then servicing the Village of Cold Spring and/or the Code Enforcement Officer for the Village of Cold Spring shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law (CPL) of New York State, for the violation of this section. The appearance ticket may be served in the manner proscribed in CPL §150.40.2, which authorizes service under Section 308 of the Civil Practice Law and Rules of New York State.

§ 108-23. Street sales.

No person shall, by selling or advertising in the streets, Sidewalks or public places in the Village, cause a crowd to gather or obstruct the streets or Sidewalks, nor shall any person stop in any highway for the purpose of selling merchandise for a longer time than while engaged in making one (1) sale, without permission of the Mayor; no person shall sell any merchandise at auctions in any of the streets, Sidewalks or public places in the said Village without permission of the Mayor. Refer to Chapter 71 - Licensing of the Village Code for regulations regarding licensing for Street Sales.

§ 108-24. Coasting on street or Sidewalk. [Amended 8-13-96 by L.L. 96-2]

No person shall engage in coasting or sliding upon any street or Sidewalk in the said Village except at such times and in such places as may be designated by the Board of Trustees.

A. Definitions.

COASTING - Includes sleigh riding, sliding, skateboarding, skating, or any similar activity.

SKATEBOARDS- a narrow board of wood, plastic, fiberglass or similar material with roller skate or other type of wheels attached to each end and used for gliding or moving on any hard surfaces, without a mechanism or other device for steering while being used, operated or ridden.

SKATES - in-line skates-shoes, skates or footwear with a single row or multiple rows of roller wheels.

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B. Unlawful activities.

No person shall use or operate a Skateboard or Skates upon Sidewalks, or on any public lands within the Village of Cold Spring:

- (1) In a careless manner without due caution and circumspection;
- (2) While endangering, or in any manner to create a risk or danger to, any person or property; or
- (3) In any manner to impede or interfere with pedestrian or vehicular traffic.

No person shall use or operate the aforementioned play vehicles as defined on the following Sidewalks or public areas whatsoever.

Main Street- Entire length

West Street- Entire length

Waterfront, docks and walkways- entire length

Bandstand

C. Precautions.

- (1) Every person operating a Skateboard or Skates shall operate the same in strict observance of Article 34 of the NYS Vehicle and Traffic Law relating to the operation of bicycles and play vehicles, except as to those provisions which by their nature can have no application.
- (2) The operator of a Skateboard or Skates emerging from an alley, driveway, or building shall, upon approaching a Sidewalk, yield the right-of-way to all pedestrians approaching said walk.
- (3) Whenever any person shall operate a Skateboard or Skates upon a Sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (4) No person shall operate a Skateboard or Skates at nighttime unless he or she is wearing reflective clothing, which shall be visible from a distance of not less than fifty (50) feet and a maximum of three hundred (300) feet from the front of the lawful beams of headlight on a motor vehicle. Reflective clothing shall be defined, for the purpose of this local law, as any shirt, vest or jacket or any other readily visible piece of apparel equipped with a reflective surface.

D. Penalties.

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Notwithstanding provision for penalties for other violations within this Article and Section, any person violating any provision of § 108-24 shall be guilty of a violation and upon thereon conviction thereof, shall be subject to a fine not to exceed twenty-five dollars (\$25) for the first offense, and not more than fifty dollars (\$50) for each offense thereafter.

- E. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.
- F. This law shall take effect immediately upon filing with the Secretary of State.

§ 108-25. Merchandise and other items on Sidewalks. [Amended 6-13-2000 by L.L. 2000-08]

- A. No person shall place or cause to be placed upon any street or Sidewalk in said Village any goods, wares or merchandise or containers therefor, or items such as tables, chairs, umbrellas for the purpose of providing dining opportunities, except when engaged in the loading or unloading of vehicles.
- B. Notwithstanding the restrictions set forth in § 108-25 A, merchants may display merchandise and restaurateurs may place items such as tables, chairs and umbrellas for dining purposes on Village property subject to the following conditions.
 - (1) Display area or dining area is not to exceed three (3) feet from the building, eight (8) feet parallel to the front of the building and no higher than four (4) feet from the Sidewalk and placed as close to the face of the building as possible. Display area or dining area shall provide a path of at least three (3) feet in width so as not to block any ingress or egress to/from the building.
 - (2) Buildings with stoops or porches are not entitled to the additional Sidewalk display or dining area. However, the entire stoop may be used provided the dimensions for any ingress and egress stated in § 108-25 B (1) are maintained and displays not immediately adjacent to the building do not exceed three (3) feet in height.
 - (3) All merchandise and signage must be removed from Village property when the business closes for the day, or, by 9:00 p.m. whichever comes first, and displayed no earlier than 8:00 a.m.
 - (4) The area described herein is not to interfere with pedestrian traffic.

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- (5) Signage must conform to the requirements of Chapter 104 - Signs and Placards.
- (6) The area is to be covered by the merchant's or restaurateur's current certificate of insurance with a copy of the certificate of insurance filed with the Village Clerk annually.
- (7) Merchants and restaurateurs not complying with these guidelines will be instructed to remove such merchandise and/or items. Continual non compliance may result in fines.
- (8) The lowest point of umbrellas, when opened, shall be at least seven (7) feet above the ground.

§ 108-26. Building materials in streets.

No person shall deposit material used for building or other purposes upon any highway, street, Sidewalk of the Village, or dig or cause to be dug any excavation or other opening in the highways therein for any purpose, except with the permission and under the direction of the Village officer or officers having charge of the public work incidental to which such excavation is required.¹

§ 108-27. Penalties for offenses. [Amended 3-27-79 by L.L. No. 1 1979]

Notwithstanding any provision for penalties for other violations within this Chapter, any person, firm, corporation or property owner who or which shall violate any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars (\$25) nor more than two-hundred and fifty dollars (\$250) for each offense or by imprisonment for not more than fifteen (15) days, or both. Each day that a violation continues shall be considered a separate offense.

§ 108-28. Separability. [Added 1-05-2016 by L.L. 2016-01]

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village Board of Trustees of the Village of Cold Spring hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

¹Editor's Note: For current provisions regarding street excavations, see, Article I of this Chapter.

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§ 108-29. Repeal. [Added 1-05-2016 by L.L. 2016-01]

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

§ 108-30. Effective Date. [Added 1-05-2016 by L.L. 2016-01]

This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Article VII Notice of Defects

§ 108-31. Maintenance of civil action.

No civil action shall be maintained against the Village of Cold Spring for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, Sidewalk or crosswalk being out of repair, unsafe, dangerous and obstructed, or in consequence of the existence of snow or ice thereon, unless written notice of the defective, unsafe, dangerous or obstructed condition, or the existence of the snow or ice, relating to the particular place, had, prior to the happening of the event causing the damages or injuries to persons or property, actually been given to the Village Clerk of the Village of Cold Spring and there had been a failure or neglect on the part of said village to cause such a condition to be otherwise made reasonably safe within a reasonable time after the receipt of such written notice.

§ 108-32. Other limitations not affected.

Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations or to waive any existing limitation now applicable to any claim or cause of action against the Village of Cold Spring.