

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Lyndonville.....
~~Town~~
Village

Local Law No.5..... of the year 19 ..91

A local law AMENDING CHAPTER 205 OF THE CODE OF THE VILLAGE OF LYNDONVILLE RELATING TO ~~(XXXXXX)~~ THE CONSTRUCTION, REPAIR OR ALTERATION OF SIDEWALKS

Be it enacted by theBoard of Trustees.....of the
(Name of Legislative Body)

~~County~~
~~City~~ ofLyndonville..... as follows:
~~Town~~
Village

1.) Article II of Chapter 205 of the Code of the Village of Lyndonville is hereby amended by deleting Sections 205-5 through 205-9, and adding the following sections so that Article II provides as follows:

**ARTICLE II. CONSTRUCTION, REPAIR OR ALTERATION OF SIDEWALKS
BY THE VILLAGE OF LYNDONVILLE**

SECTION 205-5. PURPOSES.

It is the purpose of this Article to provide for the safety, health, protection and general welfare of persons in the Village of Lyndonville by providing for the construction of sidewalks in appropriate areas and the repair or alteration of sidewalks within the Village of Lyndonville.

SECTION 205-6. DEFINITIONS.

As used in this Article, the following terms shall have the meanings indicated:

HIGHWAY IMPROVEMENT - The filling, excavating, grading, paving, draining and the laying of curbs, gutters and sidewalks upon or otherwise improving a Village street or highway and the repair, replacement or reconstruction of existing pavement, curbs, gutters, sidewalks or other existing improvements upon Village streets and highways or any one (1) or more of all of such improvements.

SIDEWALKS - Ways or paths, whether paved or unimproved, and used or intended for use by pedestrians.

SECTION 205-7. PROCEDURE FOR DETERMINING TO PROCEED WITH IMPROVEMENTS.

The Board of Trustees of the Village of Lyndonville may cause any highway improvement to be made on its own motion pursuant to the following procedure: Upon the approval of plans and specifications for such highway improvement by the Board of Trustees, such Board of Trustees, by majority vote, may pass a resolution of intention to make such improvements and provide for the method of apportioning the cost thereof, and a public hearing therefor called by the Board of Trustees shall be held thereupon. The notice shall state the time and place of the hearing and, in general terms, the purpose thereof and the proposed method of apportioning the costs of the contemplated improvement, and such notice shall be published at least twice in the official newspaper of the Village, the first publication to be made not less than ten (10) days before the date of the hearing. After the hearing, the Board of Trustees may determine to proceed with such highway improvement or may abandon the same.

SECTION 205-8. METHOD FOR MAKING IMPROVEMENTS.

If the Board of Trustees determines to proceed with such highway improvement, such highway improvement may be made and contracts therefor may be let for the making thereof as provided by law, or said improvements may be made by the use of Village forces and equipment or by a combination of letting contracts and using Village forces, as the Board of Trustees may determine.

SECTION 205-9. PAYMENTS OF COSTS.

The Board of Trustees, in its discretion, may provide that the cost of any one (1) or more or all of such highway improvements shall be borne partly by the Village at large and partly by the lands benefitted thereby; or such Board may provide that the cost of any one (1) or more or all of such highway improvements shall be borne by the Village at large; or such Board may provide that the cost of any one (1) or more of such highway improvements may be assessed entirely upon the lands benefitted thereby.

SECTION 205-10. ASSESSMENTS.

At any time after letting the contract or contracts or undertaking the work, if all or any part of the cost of the proposed improvements is to be borne by special assessment, assessments may be made, levied and confirmed.

SECTION 205-11. PERMISSIVE REFERENDUM REQUIRED IN CERTAIN CASES.

A Resolution passed pursuant to the provisions of this Article, including any Resolution for making the improvements or apportioning the costs thereof, shall not be subject to permissive referendum under the provisions of the Village Law unless the

entire cost of any one (1) or more or all of such improvements is to be borne by the Village at large and is to be paid from taxes levied for the fiscal year in which such expenditure is to be made, in which case the Resolution authorizing the improvement shall be subject to permissive referendum as provided in the Village Law.

2.) Article III of Chapter 205 of the Code of the Village of Lyndonville is hereby amended by deleting Section 205.10 and adding the following sections, so that Article III provides as follows:

**ARTICLE III. CONSTRUCTION, REPAIR OR ALTERATIONS
BY REAL PROPERTY OWNERS**

SECTION 205.12. PERMIT REQUIREMENTS.

- A.) Before engaging upon sidewalk repair or construction, the owner or the contractor on behalf of the owner must first obtain a permit from the Village Board of Trustees. Applications shall be made to the Superintendent of Public Works, who shall refer the completed application to the Village Board.
- B.) At the time of making application to the Village for a permit to construct or repair a sidewalk, the owner or contractor shall pay to the Village a permit fee in such amount as the Board of Trustees may, from time to time, determine by Resolution.

SECTION 205.13. CONSTRUCTION SPECIFICATIONS.

- A.) All repairs or construction of sidewalks shall be in accordance with the following specifications:
 - 1) All new or replacement sidewalks shall be of concrete having a minimum thickness of four (4") inches of concrete and a minimum width of forty-eight (48") inches. There is a four-foot block length maximum, and an expansion joint must be in place a minimum of every twenty (20') feet. The concrete mixture must be a minimum three-thousand-five-hundred-pound-per-square inch (equal to a six bag mix) strength with No. 1 stone. Four-thousand-pound-per-square-inch (equal to a six and one-half bag mix) strength with No. 2 stone is recommended.
 - 2) Sidewalks across driveways shall be a minimum of six (6") inches in depth.
 - 3) Wire mesh shall be used according to good, standard sidewalk construction practices.

- 4) A sub-base of four (4") inches of aggregate is recommended.
- 5) A broom finish is required.
- B.) No blacktop shall be applied over existing sidewalks.
- C.) No person shall repair or construct a sidewalk unless the same shall be in accordance with the grade established and obtained from the Superintendent of the Department of Public Works.

SECTION 205-15. INSPECTIONS.

- A.) The property owner is responsible for the quality of the finished sidewalk. A representative of the Department of Public Works will inspect the project, from time to time, and may require the owner to remove and replace any construction or repair that does not meet the construction standards as set forth herein.
 - B.) A copy of any permit issued in accordance with this Local Law shall be in the possession of the persons actually doing the work and shall be available for inspection by the Superintendent of Public Works or his representatives.
- 3.) Chapter 205 of the Code of the Village of Lyndonville is hereby amended by Article IV, entitled "ENFORCEMENT", which provides as follows:

ARTICLE IV. ENFORCEMENT.

SECTION 205-15. PENALTIES.

- A.) Any person violating any of the provisions of this Chapter 205 of the Code of the Village of Lyndonville shall be subject to fine, such fine not to exceed two hundred fifty (\$250.00) Dollars. Such penalties may be in addition to any other remedies or actions that may be taken by the Village of Lyndonville either as provided herein or as may otherwise be permitted by law.
- 4.) This Local Law shall take effect immediately upon its filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 1991 of the ~~(County)~~(City)(Town)(Village) of Lyndonville, New York was duly passed by the Board of Trustees on December 9 19 91, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Renee M. Lacro

~~Clerk of the County Legislative Body, City or Town or Village Clerk~~
~~or officer designated by local legislative body~~

(Seal)

Date: January 13, 1992

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

W. D. Ehrlich

Signature

Village Attorney
Title

~~County~~
~~City~~ of Lyndonville, New York
~~Town~~
~~Village~~

Date: January 13, 1992