TOWN OF GERMANTOWN

LOCAL LAW # 1 OF THE YEAR 2000

A Local Law regulating sidewalks, including their construction, repair and maintenance; the removal of obstructions and the cleaning thereof and to provide for the removal of snow and ice from sidewalks.

SECTION 1 TITLE

This Local Law shall be entitled "The Sidewalk Law of the Town of Germantown."

SECTION 2 PURPOSE AND LEGISLATIVE INTENT

The purpose of this Local Law is to promote the maintenance of safe and adequate sidewalks for pedestrian use by regulating the manner of construction, reconstruction, repair and maintenance of sidewalks and the materials to be used and the grades and widths thereof in the Town of Germantown and to prohibit any construction, reconstruction or repair which does not comply with such regulations. The further purpose of this Local Law is to provide guidelines for assuring the safety and protection of such sidewalks and for delineating responsibilities of the Town of Germantown, property owners and users.

SECTION 3 DEFINITIONS

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

A. Property Owner Or Owners - Anyone who holds title to the premises in fee simple or by life estate or remainder, and also any beneficial owner of the premises such as a contract vendee in possession, who has the duty to pay the taxes on the premises.

B. Sidewalk Or Sidewalks - Existing sidewalks, those presently under construction, if any, and any future sidewalks constructed after the date of adoption of this Local Law which abut Public Highways in fact used by the public.

C. Town - The Town of Germantown, Germantown, NY 12526
D. **User** - Any person who enters upon said sidewalks.

E. **Pedestrian** - The term 'pedestrian' means any person traveling by foot and any mobility impaired person using a wheelchair.

F. **Wheelchair** - The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or motorized.

**SECTION 4  REQUIREMENTS OF CONSTRUCTION**

No sidewalk shall be built, relaid or repaired or be permitted to be built, relaid or repaired along any road, street or highway in the Town of Germantown, whether or not such sidewalk is in or along a Town or a County, State or private road, street, or highway unless such construction shall conform to the lines and grades furnished and the specifications established by qualified persons designated by the Town Board and in conformity with all the specifications and requirements hereinafter set forth.

**SECTION 5  COOPERATION FROM PROPERTY OWNERS, TENANTS/OCCUPANTS AND RESIDENTS AS TO SIDEWALKS**

It is hereby requested by the Town Board that all property owners, tenants/occupants and residents cooperate with the intent of this Sidewalk Law by notifying the Town of any violation of this Local Law.

**SECTION 6  STANDARDS AND SPECIFICATIONS**

Quality of concrete, grade, thickness and width of sidewalks, etc., shall be determined by the specifications available at the Town Hall upon request. Unusual circumstances which may affect installation or cause a deviation from these specifications shall be handled on a case-by-case basis after investigation by the Town Board or their authorized representative.

**SECTION 7  DEPOSITS AND/OR ACCUMULATIONS ON SIDEWALKS, STREETS OR PRIVATE PROPERTY PROHIBITED**

A. No person, firm or corporation shall deposit, throw, place or strew nor shall any person, firm or corporation cause to be deposited, thrown, placed or strewn, any snow/ice melting material, snow or ice or any other offensive material, debris, litter, unpleasant-unwanted materials or objects, liquid, paint, blacktop, sealant, chalking, dirt, stones, gravel, cut grass or other, etc., on any street, avenue, roadway, highway or sidewalk within the Town.

B. No person, firm or corporation shall pile, gather up, plow up or in any way force any snow or ice upon any street, avenue, roadway, highway or sidewalk within the Town.
C. No person, firm or corporation shall pile, gather up, plow up or in any way force any snow or ice upon any terrace or parcel of land within six (6) feet of any street, avenue, roadway or highway within the Town in such a manner as to cause the height of the snow and ice so piled, gathered, plowed or forced to exceed three (3) feet in height above the existing natural grade of said terrace or parcel of land within six (6) feet of said street, except that it shall be unlawful to cover a fire hydrant with snow or ice.

D. No person, firm or corporation, property owner or occupant shall remove snow or ice from any parcel of real property and place it upon another parcel of real property without the express permission of the owner of the parcel of real property upon which the snow or ice is to be placed.

E. Any person, firm or corporation piling, gathering or plowing up snow or ice on any street, avenue, roadway or highway within the Town or to an excess height, as indicated, shall forthwith remove the same at their own expense, upon the request of the Superintendent of Highways of the Town of Germantown.

F. Whenever any person, firm or corporation neglects or refuses to remove any snow or ice piled, gathered or plowed up by them in violation of Section 7-C within four (4) hours after a request to do so by the Superintendent of Highways of the Town of Germantown, the Town may require or cause to be removed such accumulation at the expense of the owner or occupant of said property, and, upon the failure to pay the charge, the Town shall cause the expense thereof to be assessed against the property and become a lien thereon, collectible in the same manner as delinquent Town taxes.

G. No person, firm or corporation, property owner or occupant shall allow any type of vegetation to grow into the sidewalk right-of-ways so as to obstruct the normal and free use of the sidewalks.

SECTION 8 PEDESTRIAN USE ONLY ON SIDEWALKS

A. Sidewalks are for pedestrian use only. Bicycles, skateboards, motorized vehicles and other similar carts etc. are prohibited from operating on sidewalks.

B. Non-motorized tricycles, bicycles, strollers, hand-pulled wagons and carts etc. designed for and operated by children under the age of twelve (12) years and accompanied by an adult are permitted uses on the sidewalks.

C. Property owners desiring to use snow blowers or motorized vehicles with plows to remove snow from sidewalks must first obtain permission from the Superintendent of Highways of the Town of Germantown. Property owners desiring to remove snow from sidewalks in front of their property may shovel the snow into the curb area or on to their own property.
D. No person shall in any way or manner cause damage to any sidewalk in the Town of Germantown.

E. No person shall in any way or manner cause any obstruction on the sidewalks such as but not limited to yard sales, food sales, demonstrations, group gatherings etc.

F. No person shall park a vehicle, whether occupied or not in the Town of Germantown on any highway, sidewalk, crosswalk, pedestrian walkway, bicycle path or right-of-way, in front of a public or private driveway, along side or obstructing a curb area which has been cut down, lowered or constructed so as to provide accessibility to any sidewalk or in any area designated as a place for handicapped parking unless the vehicle bears a permit issued by the Town Clerk entitling said vehicle, pursuant to the New York State Vehicle & Traffic Law, to park in a handicapped parking area.

SECTION 9 PENALTY PROVISIONS

A. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this Local Law shall, upon conviction, be deemed guilty of a Violation, punishable by a fine of not more than two hundred fifty dollars ($250.00) or by imprisonment for not exceeding fifteen (15) days, or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate Violation of these regulations.

B. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the Violation of these regulations.

SECTION 10 SEPARABILITY CLAUSE

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involving in the controversy in which such judgement shall have been rendered.

SECTION 11 EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State.