

The following sections of Chapter 174 have been amended below:

§ 174-1 Construction and repair of sidewalks.

§ 174-2 Reimbursement for sidewalks.

§ 174-3. Obstruction of streets.

§ 174-5. Removal of snow, ice, and dirt; enforcement; liability.

§ 174-14. Failure to restore streets; notice; actions upon noncompliance.

§ 174-19. Riding on sidewalks.

§ 174-20. Curbing specifications; reimbursement.

§ 174-21. Maintenance of sidewalks and curbing; notice; action upon noncompliance.

Section 174-1 Construction and repair of sidewalks.

a. Purpose

It is the goal of this legislation to promote and maintain a network of ADA-compliant, safe sidewalks, to encourage pedestrian use and increase access to community life by those who do not drive.

b. All sidewalks and all repairs to the same shall be made by the owners of the premises adjoining such walks under the supervision of the Department of Public Works Superintendent within the time prescribed by law. In the event that such owner or owners shall thereafter neglect to construct or repair as directed, the DPW Superintendent shall cause the sidewalks to be constructed or repaired, and the expense thereof may be collected by said Village against such owner in the manner prescribed by law. All sidewalks must comply with all local, state, and federal design requirements including but not limited to the Americans with Disabilities Act.

c. All new construction is required to have sidewalks prior to issuance of a Certificate of Occupancy, unless a waiver is obtained by the Planning Board.

d. New sidewalks shall be constructed of concrete per New York State Department of Transportation (DOT) standards and specifications. Repair of existing sidewalks may be repaired using same material, consistent with DOT standards and specifications. Sidewalks crossing driveways must provide a continuous and level pedestrian path. The grades of sidewalks within a street right of way shall not exceed the general grade of the adjacent street.

§ 174-2. Reimbursement for sidewalks.

Whenever sidewalks are constructed, repaired, and/or replaced on the streets of said Village with the consent of the DPW Superintendent of approved material and of the width provided by law, the owner of the premises adjoining such walk who shall have constructed, repaired, and/or replaced the same will be paid, with approval of the Board of Trustees, a reimbursement amount

as set by resolution of the Board from time to time. Receipts and bills of items of the cost thereof must accompany all claims for such payment.

§ 174-3. Obstruction of streets.

It shall be unlawful for any person to encumber the sidewalks, streets, alleys, or lanes of the Village of Ballston Spa with casks, boxes or other articles or to pile or store on any sidewalk, street, alley or lane any casks, boxes or other articles. It shall not be lawful for the owner or occupant of any premises in the Village of Ballston Spa to erect or permit to be placed in or upon the street or sidewalk in front of or on any side of such premises any pole, stepping block, bicycle rack or canopy. Nothing in this section shall preclude sidewalk cafes, outdoor dining or sidewalk sales and other encumbrances consistent with and permitted in Chapter 175.

§ 174-4. Removal of snow, ice, and plant materials; enforcement; liability.

A. It shall be unlawful for any owner of any house or building in the Village of Ballston Spa to permit the sidewalks in front of the premises owned by them to become in any manner obstructed by the accumulation of snow, ice, and plant materials thereon. Such owner shall remove the snow or ice from such sidewalk for the whole width thereof within eight hours if snowfall ceases in the daytime, and before sunset of the following day if snow ceases at night, and before such fall of snow shall obtain the depth of 12 inches, or sooner should a hazardous condition be created.

In the case the snow and ice becomes so congealed that the same cannot be removed without injury to the pavement, the owner shall treat such snow and ice with fine ashes, sand, or other suitable material that provides traction until removal of such condition becomes possible. At all times the owner shall keep the sidewalks free and clear from all plant materials, living and dead, such as weeds, dirt, brush, bushes, trees, branches, and the like; filth or other obstructions and encumbrances in order to allow all persons to have the free and uninterrupted use of the same.

B. It shall be unlawful for any owner of any house or building in the Village of Ballston Spa to discharge from a sump pump onto streets and sidewalks of the Village.

C. Notice to remedy; removal by Village; costs.

(1) In the event of a complaint received for the failure of the owner to comply with Subsections A and B hereof, the DPW Superintendent or his/her designee shall direct that a notice be delivered to the owner of the premises that includes a copy of this section of the Village Code and notice that the condition must be remedied within 24 hours. Should the owner fail to comply, the Village shall then have the authority to perform the work and charge the owner three times the actual cost to the Village. In the event that the notice is not able, for whatever reason, to be delivered to the owner, the Village is authorized to affix a copy of said notice to the premises. The affixation of the notice to the premises shall have the same effect as if served to the owner.

(2) In the event it is necessary for the Village to perform the work, the owner will be provided with a summary of cost and the amount due within 14 days. The owner shall then have 30 days to make payment. In the event that the owner does not remit payment to the Village, the Village is hereby authorized to make said amount a lien against the property and collect the amount due as an assessment against the property in a like manner as collection of taxes.

§ 174-14. Failure to restore streets; notice; actions upon noncompliance.

A. If the person who makes such an excavation fails, upon notice from the Department of Public Works' Superintendent, to restore it within a reasonable time to the satisfaction of the Village Board, the Village shall perform the task at the expense of the permittee and may reimburse itself from the bond or cash deposit provided in lieu thereof. The balance, if any, of such deposit shall be refunded to the depositor.

B. Damage to public utilities and improvements. The person, corporation, or entity to whom any permit is issued pursuant to this chapter shall be responsible for all damages caused to public utilities in the highway and shall replace any cracked or damaged sewer pipe or water main with new pipe and repair or replace ditches, curbs, sidewalks or other improvements so that they shall be in as good condition after the excavation as before the excavation, under the supervision of the Village.

C. Responsibility of Village. The Village, by the issuance of any such permit, assumes no responsibility for supervising the work of any permittee or for the work actually performed by any permittee and shall not be liable for the negligence of any such permittee.

D. Action by Village; cancellation of permit.

(1) In the event that an unsafe condition is created with any work being performed pursuant to a permit issued hereunder, which condition creates an immediate danger of personal injury or property damage, the Village shall have the right to take whatever action is necessary and perform such work as required to restore the same to a proper and safe condition, and the cost thereof shall be charged against the permittee and/or deducted from the deposit made by it or paid by the surety, as the case may be.

(2) In the event that a permittee fails to abide by the specifications issued by the Village Board, the Village shall have the right, after 24 hours' written notice to the permittee, if said permittee has not made satisfactory arrangements, to correct the situation, to cancel the permit or otherwise take whatever action is necessary to remedy the permittee's noncompliance, and the cost thereof may be charged against the permittee and deducted from the deposit made by him/her or paid by the surety, as the case may be.

§ 174-19. Riding on sidewalks.

A. All persons are forbidden to ride a motorcycle, bicycle, gas-powered or electric scooter or similar vehicle on any of the public sidewalks of the Village of Ballston Spa.

B. , All cyclists shall observe such rules of the road as are established by the New York State Highway Law.

C. The provisions of Subsection A hereof shall not apply to children under 10 years of age or to persons who cannot walk by reason of being disabled.

§ 174-20. Curbing; reimbursement.

A. Curbs that are not connected directly to nor abut the sidewalk will be the responsibility of the Village to repair or replace as needed. Curbs that are connected to or abut a sidewalk will be the responsibility of the adjoining property owner. Curb cuts and ramps shall be the responsibility of the Village.

B. The owner of the premises adjoining such curb who shall have constructed, replaced, or repaired the same will be paid, with approval of the Board of Trustees, a reimbursement amount as set by resolution of the Board from time to time. Receipts and bills of items of the cost thereof must accompany all claims for such payment.

§ 174-21. Maintenance of sidewalks and curbing; notice; action upon noncompliance.

A. In the event that the owner of the adjoining premises fails to comply with the provisions of this section and, by reason of such failure, injuries to persons and damage to property result, then in such event such owner shall be liable for such injuries or damages. All sidewalks and curbing within said Village shall be kept and maintained in a safe and proper manner by the property owners adjacent to all such sidewalks and connected/abutting curbing.

B. Whenever any said sidewalk or connected curbing shall, in the opinion DPW Superintendent, be deemed by him or her to be unsafe or in a state of disrepair...according to specifications listed 174.1.b, the DPW Superintendent shall so notify said adjacent landowner and direct said landowner to replace or repair any such sidewalk or connected curbing within 60 days of receipt of the notice, with the opportunity to apply to the DPW Superintendent for two additional 30 day extensions for good cause shown. If notice is provided between September 1 and February 1, work must be completed by the following June 1.

C. If the landowner so chooses, they can appeal the determination of the DPW Superintendent to the Building Inspector whose determination shall be final.

D. Upon the failure to abide by the requirements set in B above, the Village of Ballston Spa shall replace or repair any such sidewalk and/or curbing, and the cost thereof shall be added to the next succeeding Village tax bill, and the same shall be a charge upon and lien upon said adjacent real property.

E. The Village will be responsible for sidewalk damage caused by trees located within the Village right-of-way on Village streets. The DPW Superintendent will determine whether such sidewalk damage and repair are the responsibility of the village or the homeowner, based on inspection.