

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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.

Village of WATKINS GLEN, NEW YORK

Local Law No. 1, of the Year 2006

A Local Law to Repeal Local Law No. 1 of 1978 and all amendments thereto, and to establish new rules and regulations for sidewalk installation, construction and maintenance in the Village of Watkins Glen, New York.

Be it enacted by the Board of Trustees of the  
Village of Watkins Glen as follows:

SECTION 1 Title. This Local Law shall be known and cited as the "Sidewalk Law of the Village of Watkins Glen."

§ 2 Application. That the installation and maintenance of sidewalks within the Village of Watkins Glen shall be covered by the provisions of this Local Law.

§ 3 Owner Duties. The term "owner" as used in this Local Law shall include corporations and shall embrace all owners of any parcel of real property, if there be more than one, and the duties and liabilities of the owner of real property under this Local Law shall be both several and joint, if there be more than one owner. Possession of a parcel of real property by a tenant or tenants of any owner shall not relieve said owner of his duties and liabilities under the terms of this Local Law.

§ 4 Installation. Any owner of real property situate in the Village of Watkins Glen, New York whose real property abuts any public street situate in said Village shall install or cause to be installed at his own expense, a sidewalk for the use and benefit of the public, which sidewalk shall extend the width of said real property abutting said public sidewalk along said public street on the same side of such street as the said real property; and in the event there be no existing public sidewalk on the said side of the said street, the Village of Watkins Glen, New York, shall furnish to the owner a bearing and dimensions for the location of such public sidewalk to be so installed.

§ 5 Construction and Specifications. Said public sidewalk so installed shall be of concrete construction and such sidewalk shall be constructed and installed to the following specifications:

- a) The concrete sidewalk shall have a width of at least five (5) feet and a thickness of four (4) inches. Except where said sidewalk crosses a driveway then it must be six (6) inches thick and fortified with rebar or wire mesh. Under special circumstances the sidewalk width may

be modified with the permission of the authority having jurisdiction.

- b) Grade of sidewalk – Said sidewalk shall have the following grade: A grade of three (3) inches above the existing curb on the said side of said public street at the farther edge of said sidewalk from the said public street and if there be no curb then at the same grade as the center of said street at said farther edge of said sidewalk, which grade shall slope in a descending manner at the rate of one-quarter ( $\frac{1}{4}$ ) inch to the foot from said farther edge to the nearer edge of said sidewalk.
- c) Sidewalks shall be formed in-place where the old sidewalks were removed. Forms should be of lumber one and one-half ( $1\frac{1}{2}$ ) inches thick or steel of equal strength. Forms should be held to line and grade by adequate stakes or braces and will maintain their proper position during the placement of the concrete.
- d) Concrete shall be a mix of four thousand (4000) PSI or six and one-half ( $6\frac{1}{2}$ ) bag type. The concrete shall not be deposited in free standing water; nor shall water be permitted to fall onto, rise on, or flow over freshly placed concrete until the concrete has set for at least twenty-four (24) hours.
- e) Sawed joints shall be provided at a minimum of five (5) feet in length, with an expansion joint at a minimum of every twenty (20) feet. The finish shall be non-slip by fine broom, with troweled border of two (2) inches. The forms shall be removed and backfilled, tapered to existing grade of lawn.
- f) Any sidewalk on a corner or adjacent to a public crosswalk shall meet the New York State Highway Law, Section Three Hundred and Thirty (§330), curb ramp standards for physically handicapped persons.

§ 6 Village Removal: In the event the owner agrees to replace his sidewalk, the Village workforce will assist the property owner to comply with the requirements of this Local Law to the extent that the Village personnel will remove and haul away existing sidewalks under the following conditions:

- a) A written application must be submitted to the Village by the homeowner asking for the removal of the sidewalk and indemnifying the Village. A fee for the filing of said application may be established by the Village Board.
- b) The applications will be processed and acted upon in the chronological order in which they are received and the Village will perform these services only to the extent that the Village personnel, equipment, monies and assets are available, and such availability will be at the sole discretion of the Village.
- c) During the removal and hauling away of the said sidewalks, the Village will maintain the subject area, but once the Village has performed this service it will be the responsibility of the owner to maintain the area in a safe manner until the completion of the installation of the new sidewalk.
- d) The Village will not remove or haul away sidewalks for the owner until the owner has

agreed to replace them with new concrete sidewalks in accordance with the other requirements of this Local Law, which agreement must be to replace within a reasonable time which shall not exceed seven (7) days from the completion of the Village services.

e) It is affirmed that the services requested by the owner and rendered by the Village will be limited to the removal and hauling away of the old sidewalks, and that the Village will not be responsible for any grading, preparation of site nor construction of the new sidewalk.

f) The services rendered to the owner under this provision of the Local Law will be at the expense of the Village and not at the expense of the owner.

g) The provisions of this subdivision will be applicable only for sidewalk installations that will be done between May 1 and October 1.

§ 7 Inspection and Approval: Said sidewalks so installed shall be subject to inspection and approval by the Village of Watkins Glen, NY by the authority having jurisdiction and until so approved the owner shall not have fulfilled his duties under the terms of this Local Law.

§ 8 Notification of Installation To Village: Within five (5) days of the installation of said sidewalk the owner shall notify the Village of Watkins Glen, New York of the same and request at said time inspection and approval of said sidewalk.

§ 9 Failure To Install - Notification. Upon the failure of an owner of real property situate in said Village whose real property abuts any public street situate in said Village to install or cause to be installed a sidewalk for the use and benefit of the public, the Village shall notify said owner in writing by mail addressed to his address as shown by the Village assessment rolls demanding that said owner shall install or cause to be installed such sidewalk within thirty (30) days of the receipt of such notice. Upon the failure of said owner to install such sidewalk within said period of time, the Village of Watkins Glen, New York may then install said sidewalk at the owner's expense and the Village shall bill the said owner by mail for the reasonable expenditures incurred by said Village in making said installation.

§ 10 Failure To Maintain - Notification. The owner of any public sidewalk within the Village of Watkins Glen shall keep the same in good repair and if he fails to do so, the Village shall notify said owner in writing by mail addressed to his address as shown by the Village assessment rolls demanding that said owner shall cause the sidewalk to be repaired to conform with the requirements of this Local Law within thirty (30) days of the receipt of such notice. Upon the failure of said owner to repair such sidewalk within the said period of time, the Village of Watkins Glen, New York may then repair said sidewalk at the owner's expense and the Village shall bill the said owner by mail for the reasonable expenditures incurred by said Village in making said installation.

§ 11 Cost Assessment. Not later than the 14<sup>th</sup> day of January of each year the Village Clerk's office shall submit to the Board of Trustees of said Village a report showing the names of any owners who have failed to pay any bill rendered to said owners pursuant to sections 9 and/or 10 hereinbefore during the last twelve (12) months together with the amount of said unpaid bills, and the Board of Trustees upon receiving said report shall direct that said unpaid amounts be assessed against the real property of said owner which abuts the public streets, as of the following June 1<sup>st</sup> and shall become a lien against said real property at said time and shall be collected along with the

current Village taxes.

§ 12 Penalty Assessment: Notwithstanding any other remedy that the said Village may have under the terms of this Local Law any owner who shall violate sections 4, 5, 8, and 10 hereof, shall be subject to a penalty of \$100.00 for each separate violation.

§ 13 Owner Duty To Maintain. Nothing contained in this Local Law shall relieve any owner of real property from his responsibility to keep the public sidewalks on or abutting his property at all times in good repair, and the property owner shall at all times be solely liable for any injury to persons or property resulting from his failure to keep such sidewalks in good repair.

§ 14 Repeal of Prior Laws. Local Law No. 1 of 1978, last amended by Local Law No. 1 of 1990, and all amendments thereto, and any prior ordinance or local law of the Village in conflict herewith are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Local Law or Ordinance hereby repealed prior to the effective date of this local law.

§ 15 Effective Date. This local law shall take effect immediately upon its filing in the Office of the Secretary of the State of New York as provided in Section 27 of the Municipal Home Rule Law.

(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. 1 of 2006 of the ~~(County)~~(City)(Town)(Village) of Watkins Glen, New York was duly passed by the Board of Trustees on March 2006, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, 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 chairperson 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.)

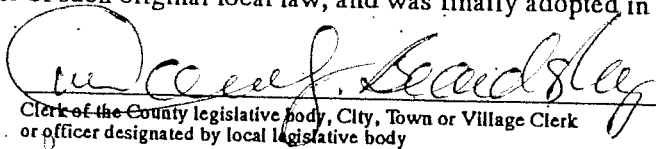
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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 \_\_\_\_\_, above.

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

DONNA J. BEARDSLEY - VILLAGE CLERK

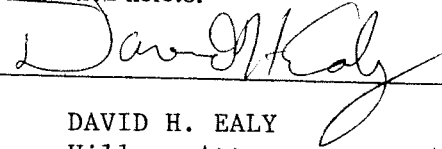
Date: March 23, 2006

(Seal)

(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 SCHUYLER

~~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.~~

  
Signature  
DAVID H. EALY  
Village Attorney

Title

County  
City of Watkins Glen  
Town  
Village

Date: 3/23/06