

Town of Bethel, Sullivan County, New York

Sidewalk Law - Sample Regulations

A Local Law to promote the health, safety and welfare of the citizens of the Town of Bethel, Sullivan County, New York, and establishing standards for constructions and maintenance, of sidewalks in the Town of Bethel.

Be it hereby enacted as follows:

§ 108-1. Sidewalks Required.

Sidewalks shall be provided on certain streets as specified in this law or hereafter designated by resolution of the Town Board of the Town of Bethel.

§ 108-2. Widths Reserved for Sidewalks.

There shall be area reserved for sidewalks on at least one side of each street in that portion of the Town of Bethel described and depicted on the map attached hereto, from the property line to the curb line in such widths as the Town Board shall determine. The Town Board may also require sidewalks on both sides of a given street where traffic and pedestrian safety considerations so warrant.

§ 108-3. Sidewalk Construction, Repair and Maintenance.

The following standards shall apply to all sidewalks in the Town of Bethel:

- A. Sidewalks shall be repaired and maintained by the owner of lands fronting on the streets and avenue. Where sidewalks are constructed by a governmental entity such land owners shall, nonetheless, be responsible for repairing and maintaining sidewalks.
- B. All new sidewalks shall be not less than three (3) feet in width. Existing sidewalks of less than three (3) feet may be maintained but shall not be narrowed.
- C. Sidewalks shall be constructed of such material as the Town shall have by resolution designated for the respective streets and avenues. The Town may adopt plans for streets, curbing and sidewalks on a block by block basis and require that all such improvements within the areas conform to the plans provided that elements of said plans are directly related to the health, safety and welfare of residents and pedestrians and do not impose an unreasonable cost burden.

§ 108-4. Curbing Height and Width.

All curbing, where used in this Town, shall be sixteen (16) inches deep by four (4) inches thick and set to line of grade given.

§ 108-5. Use of Fill Material on Sidewalks.

No earth, dirt, ashes or any other material shall be used or put upon any sidewalk within this Town, except to fill to within two (2) inches of the top. Grass strips may be used in conjunction with sidewalks provided a paved surface equivalent to the normal sidewalk requirement is maintained.

§ 108-6. Permission Required to Change Sidewalk Grade or Width.

No person shall alter or change the grade or width of any sidewalk in said Town, or cause the same to be done, without first having obtained the consent of the Town Board to do so.

§ 108-7. Destruction to Sidewalks Prohibited.

No person shall break or destroy any sidewalk in said Town unless such sidewalk is in need of repair and destruction is so ordered by the Town Board.

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§ 108-8. Portion Not Used for Sidewalk May be Improved.

It shall be lawful for the owner or occupancy of any property fronting on any street or avenue in said Town to use such part thereof as is hereby reserved in front of his or her premises, except that part thereof used for a sidewalk, and to improve and beautify the same.

§ 108-9. Permission Required to Build Sidewalks; Duties and Compensation of Engineer.

Before any new sidewalk shall be constructed, the owner or applicant thereof shall seek permission of the Town Board to construct the same. If the Town Board shall act favorably thereon, it shall give the applicant written permission, showing width, length and the thickness of the same, and shall instruct its engineer to furnish by sufficient stakes, well set, the grade and all necessary information for the proper laying of the same. The Town Board shall by resolution establish a permit fee. The engineer shall receive such compensation for his services as agreed upon by the Town Board and which shall be paid directly by the property owner.

§ 108-10. Notice to Construct; Effect of Noncompliance.

It shall be the duty of the Town Board to designate, from time to time, where sidewalks, trees, curbs, etc. are required and the manner and material thereof, and to give written notice thereof to the owner or occupants of property, requiring them to cause the same to be made or done within six (6) months after said notice or the same will be done by the Town with a charge of twenty percent (20%) added thereto.

The Town Board may also install sidewalks and curbs on its own initiative and assess the costs, thereof by resolution on individual property owners pursuant to provisions of the Town Law. Such assessments shall be based on a front foot allocation of costs and credit may be provided to owners supplying a portion of the labor or materials for the same.

§ 108-11. Repair Required Upon Notice; Effect of Noncompliance.

If any sidewalk shall be out of repair, the Town Board shall notify the owner or occupant of the land in front of whose premises the same may be to repair the same within thirty (30) days from the date of such notice (with extensions where necessary as determined by the Town Board), and if such persons shall neglect or refuse for such a period to put such sidewalk in repair, such repair shall be made by said Town Board and such persons all be liable to pay the cost and expense of such repair.

§ 108-12. Obstructions.

No person shall allow any vehicle to stand on the sidewalks or stretch any line, string or other obstacles across any sidewalk. No person shall encumber or obstruct any sidewalk in the Town with boxes, carts, wheelbarrows, baskets, barrels, signs, goods or other articles, except with the permission of the Town Board or such that a clear walking space of the width required for the sidewalk (three feet minimum) is maintained. No steps, signs, platforms, passageways, enclosures, windows, porches or any other obstruction shall be placed in or upon any sidewalks.

§ 108-13. Penalties for Offenses.

- A. Any person, partnership, association or corporation who violates any provision of this chapter shall be guilty of an offense against this Law and subject to a fine of not more than five-hundred (\$500) dollars. Each day of continued violation after notice thereof shall constitute a separate and distinct violation.
- B. In addition to the above-provided penalties, 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 any portion of this Law.