

Proposed Amendments to Local Law #1 of 1989 - Article III,  
Section VI

1. All new and replacement sidewalks shall be of concrete with the following exceptions:
  - a. Existing asphalt sidewalks may be replaced with asphalt. The property owner may replace an asphalt sidewalk with concrete if desired.
  - b. A concrete sidewalk will not be required to cross a driveway that has an asphalt surface which extends from the edge of the street to the interior of the property. However, the line and grade of the projected sidewalk line across the driveway shall be approved by the Department of Public works prior to paving.
  - c. Decorative sidewalks made of bricks or similar products may be acceptable. A special request with details shall be provided to the Director for review and approval. Public safety and useful life will be the prime criteria.
  
2. Concrete sidewalks shall be installed per the following requirements:
  - a. The base shall consist of a minimum of 6" of tamped bank run or washed gravel, depending on native soil conditions. (Should be well drained.)
  - b. Concrete shall have a strength of 3500 PSI in 28 days.
  - c. Maximum slump of concrete shall be 4".
  - d. Concrete shall have 6% (+-1%) entrained air.
  - e. The concrete shall be placed four (4) inches thick except that at driveways and other areas that will have vehicular traffic, it shall be six (6) inches. The sidewalk shall be depressed as necessary to provide a smooth transition between the sidewalk and driveway.
  - f. The contractor shall not pour any concrete when the temperature either is, or is expected to be less than 40 degrees F before the concrete has completely cured.
  - g. Wire fabric reinforcing shall be installed in all areas. 6" x 6" - 6 gauge shall be installed in all areas. Fiberglass mesh shall not be used in replacement of steel reinforcing.
  - h. The concrete shall be struck off and finished with a fine broom finish.
  - i. After the final finish and prior to the sidewalk taking

its initial set, the edges of the sidewalk along each side of the individual slabs, and on each side of the traverse expansion and saw joints, shall be worked with an approved tool having a 1/4" radius. A well defined and continuous radius shall be produced and a smooth, dense mortar finish shall be obtained.

- j. The contractor shall begin curing the concrete as soon as it has been placed and is sufficiently hardened. Membrane curing shall be by application of a sealing compound which forms a water retaining membrane on the surface of the concrete. The sealing compound shall be clear or translucent.
- k. The concrete is to have the required normal finish prior to application of the curing compound. The contractor shall apply curing compound to all unformed surfaces immediately after finishing operations have been completed and the surface film of water has disappeared.

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  - i. After the final finish and prior to the sidewalk taking its initial set, the edges of the sidewalk along each side of the individual slabs, and on each side of the traverse expansion and saw joints, shall be worked with an approved tool having a 1/4" radius. A well defined and continuous radius shall be produced and a smooth, dense mortar finish shall be obtained.
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Chapter 44

LOCAL LAW

No. 1

1955

NOTICE PRIOR TO CIVIL ACTION

A LOCAL LAW AMENDING SECTION 341-A OF THE VILLAGE LAW AND PROVIDING FOR WRITTEN NOTICE OF DEFECTIVE, UNSAFE, DANGEROUS OR OBSTRUCTED CONDITIONS OF STREET, HIGHWAY, CURB, SIDEWALK OR CROSSWALK PRIOR TO THE MAINTENANCE OF A CIVIL ACTION AGAINST THE VILLAGE FOR DAMAGES OR INJURIES TO PERSON OR PROPERTY.

§ 44-1. Written notice to precede civil action.

§ 44-2. Limitations on actions.

§ 44-3. Effective date.

[HISTORY: Adopted Wellsville Village Board 12-12-55.]

§ 44-1. Written notice to precede civil action.

No civil action shall be brought or maintained against the Incorporated Village of Wellsville for damages or injuries to person or property sustained in consequence of any street, highway, curb, sidewalk or crosswalk being defective, out of repair,

4401

THIS IS BEING SENT TO YOU BECAUSE IT  
INVOLVES A MATTER IN WHICH YOU ARE  
INTERESTED.  
W.J.E.

unsafe, dangerous or obstructed, or in consequence of the existence or accumulation of snow or ice upon any street, highway, curb, sidewalk or crosswalk, unless written notice of the existence of such condition, relating to the particular place had, prior to the happening of the event causing the damages or injuries to persons or property, actually been given to the Board of Trustees of the Incorporated Village of Wellsville and there had been a failure or neglect on the part of said village to cause such condition to be corrected or snow or ice to be removed, or the place otherwise made reasonably safe, within a reasonable time after the receipt of such notice.

**§ 44-2. Limitations on actions.**

Nothing herein contained shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations, nor to waive any existing limitation now applicable to any claim or cause of action against the Incorporated Village of Wellsville.

**§ 44-3. Effective date.**

This local law shall take effect immediately.

A Local Law Regarding Streets and Sidewalks  
Adopted 5-25-36

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF  
WELLSVILLE, NEW YORK AS FOLLOWS:

ARTICLE I  
Awnings and Signs

SECTION 30.1 Restrictions.

No awning, awning post, sign, signpost or other fixture shall hereafter be placed or erected across or in any of the streets of this village as to project wholly or partly over any of the sidewalks or streets therein, or to be placed in proximity thereto, by the owner, lessee or occupant of any store or building; nor shall any persons place or cause to be placed, or hand, or suspend over any of the sidewalks or streets of said village, any goods, wares, merchandise or other thing for sale or exhibition; but nothing herein contained shall prevent the erection of awnings of cloth upon iron frames, so constructed and attached to the building as to be self-supporting, provided such awning in its lowest part shall be at least seven (7) feet above the sidewalk. No wooden or metal awnings, balconies or signs, supported by or attached to buildings and projecting over any sidewalk or street shall be erected without first making an application to the Board of Trustees of the village, such application to contain a clause that the village shall be saved harmless by reason of the erection and maintaining of such awning, balcony or sign and securing from said Board a permit for their erection of such awning, balcony or sign.

ARTICLE II  
Building Materials on Streets

SECTION 30.2 Permit required.

The Mayor and Board of Trustees may, when they deem such acts not detrimental to the public, permit building

materials, tools, appliances and supplies to be deposited and left upon the street or sidewalk in front of any lot for the purpose of erecting or repairing any building or structure on said. lot. Provided however, that such permission shall not be given until a bond shall have been filed in the sum of not less than five hundred dollars (\$500.) to be fixed by the Board, with good and sufficient surety to be approved by the Board, conditioned that such material shall not occupy more than one third (1/3) of the street in front of the lot on which such building or structure is to be erected or repaired, and on the side of the street adjacent thereto, for a period of more than ninety (90) days, and that during the time such obstruction shall remain upon such street or sidewalk, it shall be properly guarded with barricades and with red lights at night, and that the Village shall be saved harmless from all damages or claims for damage on account of such obstruction, and such permit may be revoked at any time by the said Board.

### ARTICLE III

#### Obstructing of Streets

##### SECTION 30.3 Obstruction prohibited.

No person without the permission of the Village Board, shall obstruct or in any manner cause or allow to be obstructed any street, sidewalk, crosswalk or other public place in this village, nor in any way prevent, or interfere with, the free use thereof or any part thereof, for the purposes of public travel.

##### SECTION 30.4 Violations and penalties.

Any person violating any of the provisions of this Article shall be liable to a penalty of not less than five dollars (\$5.) nor more than ten dollars (\$10.) for each offense, and to a further penalty of five dollars (\$5.) for each twenty-four (24) hours that such street, sidewalk, crosswalk or other public place or portion thereof shall continue to be so obstructed.

## ARTICLE IV

### Rubbish on Streets

#### SECTION 30.5 Rubbish prohibited.

No person shall throw, place, bump or in any way deposit any garbage, rubbish and refuse, in any of the streets, avenues, alleys or public places, or in any of the waters of this village.

#### SECTION 30.6 Violations and penalties.

Any violation of this Article shall subject the person or persons violating the same to a penalty of twenty-five dollars (\$25.) for each offense. And it is further ordained that any violation of this Article shall constitute disorderly conduct.

## ARTICLE V

### Sidewalk Construction

#### SECTION 30.7 Permit required.

No owner or occupant of lands adjoining a street shall construct or cause to be constructed a sidewalk of stone, cement, brick or other similar material along the line of such land, for which sidewalk the village would be liable for rebate thereon, without first having obtained from the Village Board a permit.

## ARTICLE VI

### Sidewalk Maintenance (amended 11/13/68)

#### SECTION 30.8 Owner's Responsibility.

All owners and occupants of lots abutting on the streets of the Village of Wellsville, New York, are hereby required to keep the sidewalk upon such streets in safe condition for public travel and to repair and remedy all defects therein and are further required to have such sidewalks cleared on snow and ice within twenty-four (24) hours after such snowfall or condition shall have ceased or ice has formed.

SECTION 30.9 Violations and penalties.

Each violation of this Article, except as regards snow and ice, shall subject the offending party to a penalty of ten dollars (\$10.) for each twenty-four (24) hours the said violation continues commencing forty-eight (48) hours after the notice hereinafter referred to is given, and it is further ordained that a violation of this Article shall constitute disorderly conduct. In addition to the foregoing penalty, the Director of Public Works may cause any such sidewalk not in a safe condition for public travel to be repaired after notice in writing has been served upon the owner or occupant of said premises, requiring the same to be repaired within forty-eight (48) hours from the time said notice is so served, and in case of failure to comply, said Director of Public Works may make such repairs and charge the cost thereof to the owner of such property, the amount to be collected from said property owner or assessed against the said premises by and in the name of the Village of Wellsville.

In the case of snow and ice, no such notice is required, and if, within twenty-four (24) hours after the cessation of every fall of snow or the formation of any ice, the owner or occupant of any premises shall fail to clear such sidewalk of snow and ice such owner or occupant shall be in violation of this ordinance and shall be subject to a penalty of ten dollard (\$10.) for each twenty-four (24) hours that the said violation continues. In addition, the village may clear such sidewalks of snow and ice if they are not cleared by the owner or occupant within said period of twenty-four (24) hours and assess the cost thereof against the owner of the abutting property. Such cost, if not paid, shall be assessable against the property as a tax thereon.

SECTION 30.10 Effective date.

It is further resolved that the foregoing take effect immediately and be published and posted as required by law.

(Please Use this Form for Filing your 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.

~~XXXXX~~

~~XXXX~~

~~Town~~

Village

of Wellsville, New York

Local Law No. 4 of the year 19 83

A local law regulating street excavations  
(Insert title)

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

~~XXXXXX~~

~~XXXX~~

~~XXXX~~

Village

of Wellsville as follows:

ARTICLE I

This Local Law is enacted pursuant to the provisions of Village Law Sec. 4-412 (1) and Village Law Sec. 6-602. In the event that any provision of any Village ordinance is found to be in conflict with any rule, regulation or order established under this Local Law, such provision of the ordinance will be deemed to be superseded, and the rule, regulation or order shall be controlling.

ARTICLE II

1. Notwithstanding any provision of any Village ordinance, the Board of Trustees may establish rules, regulations or orders relating to any excavation, curb cut, sidewalk replacement, or any other disturbance or intrusion into any Village street or right-of-way.

2. Such rules and regulations may pertain to but are not limited to the following matters: work specifications; notice requirements; safety matters; protection of pavement and streets; excavation and back-filling; utility connections; repairs to street cuts and openings, including curbing; installation and repair of sidewalks; bonds, undertakings or other security provisions to insure compliance; job qualifications; insurance requirements; permits; fee requirements and administrative matters.

#### ARTICLE III

1. Any rule, regulation or order established under this Local Law may provide that non-compliance shall be a "violation" pursuant to the Penal Law and punishable as provided therein by a fine not to exceed \$250.00 and/or imprisonment not to exceed a period of 15 days.
2. In addition to the foregoing, the Village may enforce compliance by means of any appropriate civil remedy, including but not limited to injunction, an action for money damages, or by civil penalty.

#### ARTICLE IV

1. Public hearings for any proposed rule, regulation or order shall be held by the Board of Trustees pursuant to Village Law 21-2100, upon not less than 7 days' notice.
2. Any rule, regulation or order adopted by the Board pursuant to this Local Law shall become effective immediately after the publishing of notice of adoption containing a brief summary of the subject matter and mention of any criminal penalty for non-compliance, if any, and after being filed in the Office of the Village Clerk.

#### ARTICLE V

This Local Law shall become effective immediately.