

CHAPTER 44

**STREETS AND PUBLIC PLACES**

ARTICLE I

USE AND CARE

§44.1 **Obstructions prohibited**

No person shall place or cause to be placed in or upon any street, sidewalk or public place in the Village any brick, stone, wood, barrels, boxes or any other material or structure, or otherwise obstruct the free passage of any street or sidewalk, without first obtaining the consent of the Superintendent of Public Works.

§44.2 **Cutting of grass and other vegetation along streets**

It shall be the duty of the lessee or person having charge, or if there be no lessee or person having charge, then the owner of each and every parcel of land in this Village fronting upon any street or highway to cut or cause to be cut and removed all grass, brush and weeds growing between the curb or edge of roadway and the sidewalk or pathway at least once in each month from May to October, inclusive.

§44.3 **Control of grass and weeds on private property**

A. It shall be the duty of the owner, lessee or person having charge of each and every parcel of land in this Village to keep said parcel free of harmful weeds and other rank or noxious vegetation.

B. Grass shall be cut on improved private property at least once every two (2) weeks and on vacant parcels of land at least once every three weeks from the first day of May to the last day of October of each year. This provision shall not apply to land under cultivation, naturally wooded areas or undeveloped areas which are at least two hundred (200) feet distant from any occupied building or residence.

§44.4 **Enforcement procedures**

Upon default of the owners to perform the work as specified in §44.2 and §44.3, the Village may perform same and assess the cost thereof against the real property concerned which shall constitute a lien and charge thereon until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.

§44.5 MUNICIPAL CODE

§44.5 **Obstructing sewers or drainage prohibited**

No person shall by any act or means or substance obstruct any gutter, sluice, sewer or other work in the Village used for the purpose of draining or carrying off water.

§44.6 **Consent required for street work**

No person shall make an excavation in any public street or any public property in the Village; or dig, or cause to be dug into, through or across any street, sidewalk or public property in the Village or remove or interfere with any material thereof without obtaining a written permit as provided in Article IV hereof.

§44.7 **Snow and ice removal from sidewalks**

All persons shall keep the snow, ice, dirt and other obstructions removed from the sidewalk in front of the lands owned or occupied by them in the Village, the snow to be removed therefrom by 9:00 in the forenoon following the night after the same shall have fallen or collected thereon, and no such person shall permit snow to remain on such sidewalks longer than two (2) hours after the abatement of any storm.

If the owner or occupant of such adjoining land shall fail to comply with this requirement, the Superintendent of Public Works shall cause such work to be done and the expense thereof shall be assessed upon said adjoining land.

§44.8 **Snow and ice removal from buildings**

The owner of any building adjacent to any street in the said Village shall not permit the falling of snow, ice or water from such building upon any public street or sidewalk.

§44.9 **Riding and sliding on walks**

No person shall:

1. Ride or run any bicycle, tricycle or similar vehicle except a child twelve (12) years of age or younger upon any sidewalk within the limits of said Village.
2. Slide or coast upon any sidewalk in the Village on any sleigh, sled, board or other contrivance.
3. Ride or run any motorcycle or similar vehicle upon any of the sidewalks and footpaths along the streets of the Village commonly used by pedestrians.

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§44.10 **Riding skateboards prohibited in the Central Business District**

No person shall ride or run any skateboard in the Central Business District (B-1) of the Village. [§44.10 added by Local Law #6 of 1990, filed 10/29/90]

§44.11 **Rollerblading and rollerskating in the Central Business District**

No person shall rollerblade or rollerskate in the Central Business District (B-1 zone) of the Village. [§44.11 added by Local Law #7 of 1993, filed 5/14/93]

ARTICLE II

POLES AND WIRES

§44.21 **Consent required to erect poles and wires**

No person shall erect or cause to be erected any telephone, telegraph or electric light pole in or upon any street or public grounds in said Village, or string any wires in, over or upon any street or public grounds without first obtaining the consent of the Board of Trustees and upon such terms and conditions as it may prescribe.

ARTICLE III

TREES

§44.31 **Injuring shade trees**

No person shall, without the consent of the Superintendent of Public Works:

1. Cut down, mutilate, injure, mar or destroy any live shade trees in any public street or public place in the Village.
2. Trim or cut away the limbs of any live shade tree in any street or public place in the Village, a greater distance than twelve (12) inches from any wires, poles or contrivance.
3. Tap or extract in any manner, sap from any live shade tree in any public street or public place in the Village.
4. Post, attach, affix or put up in any manner any sign, poster or other object to any live shade tree in any public street or public place in the Village. [§44.31 amended by Local Law #3 of 1985, 5/21/85]

§44.41 MUNICIPAL CODE

#### ARTICLE IV

#### OPENINGS IN VILLAGE STREETS

##### §44.41 **Written consent required**

- A. Superintendent of Public Works to issue consent.

No person shall open or cause to be opened by cutting or digging the surface, pavement or soil in any street or public place under the jurisdiction of the Village without first obtaining the written consent of the Superintendent of Public Works and paying the prescribed fees therefor, or without complying with the provisions and conditions relating thereto as hereinafter provided.

- B. Fees established by the Board of Trustees.

The Board of Trustees shall by resolution establish a uniform set of fees, for the written consent, which shall be based upon the estimated actual costs and expenses to be borne by the Village in restoring the street or other public property to its former usefulness. The Board of Trustees may, from time to time, change said fees to reflect changes in costs and expenses.

##### §44.42 **Installation and maintenance of barricades and warning devices**

Any person making or causing to be made any such excavation in the streets or public places of the Village shall properly guard or barricade such excavation at all times, shall install and maintain adequate and sufficient warning devices to warn the public, and shall restore the street or public property to its former usefulness according to the next section of this article.

##### §44.43 **Filling of excavations; restorage by Village**

All excavated materials shall be removed, following which all openings shall be carefully backfilled for their entire length, width and depth in the street area, including the area between the curb and the property line, with bank run gravel or crushed stone, well tamped. Additional bank run gravel or crushed stone shall be added by the permittee as long as any settlement occurs, following which the pavement, curbing or other improvements shall be restored by the Village, as required.

##### §44.44 **Special provisions pertaining to public service corporations**

A. Bond in lieu of paying fees.

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Public service corporations may, in lieu of paying the fees established pursuant to §44.41 of this article, file with the Village Clerk a bond to be approved as to form, amount and sufficiency of sureties by the Village Attorney, conditioned upon the proper restoration of streets and public places, in accordance with the directions of the Superintendent of Public Works and to his satisfaction; the payment to the Village, upon demand, of any costs and expenses incurred by said Village, and the saving of the Village of Avon, its officers and employees, harmless from any loss, injury or damage due to opening streets or public places, or to any negligence or fault of such corporations, their employees or agents in connection therewith.

B. Separate permits not required; amount of bond.

All persons engaged within the Village of Avon in the telephone, gas or electric business, or any other business, the nature of which would require or result in frequent applications for permits to make obstructions or excavations in the highways or public places of the Village shall not, however, be required to obtain separate permits but in all such cases, a general bond shall be given in lieu of any permit indemnifying the Village of Avon from any and all loss, cost or damage as aforesaid resulting or arising directly or indirectly at any time from any act done by said public service corporation. Said bond shall be renewed annually, or as long as such person continues to do business within the Village of Avon.

C. Notification required.

1. Notwithstanding the foregoing, public service corporations shall advise the Superintendent of Public Works in writing as soon as feasible but no later than thirty (30) days prior to making any obstructions or excavations of its intention to do so, except in case of emergency in which event notification shall be made as soon as possible prior to or after the emergency and need not be in writing.

2. The Superintendent of Public Works shall have the power and authority to direct any public service corporation to coordinate its work with the Village, its independent contractors or other persons authorized to make excavations or work in streets or public places.

D. Backfilling requirements.

Excavations made by a public service corporation must be backfilled by it with bank run gravel or crushed stone, in accordance with the provisions of §44.43 of this article, except that the pavement, curbing and other improvements must be restored by and at the expense of said corporation.

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§44.45 **Applications for making excavations; who may apply**

A. Applications.

Applications for making an excavation in or upon any public street or other public place within the Village of Avon will be accepted only if they are made by:

1. A public service corporation, having on file with the Village Clerk a bond as required in §44.44 of this article.

2. Any other person whose application shall be accompanied by a bond in the amount as determined by the Board of Trustees approved as to form and sufficiency of sureties by the Village Attorney, to be given by the person by or in whose behalf such consent or permission is requested, indemnifying the Village of Avon against all loss, cost, damage or expense sustained or recovered on account of any negligence, omission or act of the applicant.

B. The Board of Trustees may in its discretion accept a certificate of insurance in an amount determined by it revocable only on thirty (30) days' notice in lieu of the aforesaid bonds.

#### §44.46 **Authority of Superintendent of Public Works over work**

All work done pursuant to this article shall be done and performed subject to the supervision and approval of the Superintendent of Public Works.

### ARTICLE V

#### PENALTY

#### §44.100 **Penalty**

Any person who shall violate any provision of this chapter shall be punishable by a fine not exceeding One Hundred Dollars (\$100.00)

#### **Historical Note**

Chapter 44 amended by Local Law #6 of 1990, filed October 29, 1990 and by Local Law #7 of 1993, filed May 14, 1993.

#### **Cross-references:**

Fire safety. §65.21 et seq  
Open containers. §65.31 - §65.33  
Peace and good order. §65.41 - §65.44

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#### **References:**

Streets, sidewalks and public grounds, Vil L Art 6, §6-600 - §6-628  
acquisition of land for parks, etc., Vil L §6-624  
bridges, care of, Vil L §6-604, §6-608  
construction or repair, Vil L §6-606  
grade, changing of, Vil L §6-616  
liability of Village, limitations on, Vil L §6-628  
pavements, Vil L §6-622  
sidewalks, payment for construction, Vil L §6-620  
street, dedication of, Vil L §6-610, §6-612  
street improvement or acceptance, Vil L §6-612  
streets by prescription, Vil L §6-626  
streets on boundary lines, Vil L §6-618  
Trees, zoning requirement, Vil L §7-730