

Chapter 161
STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 12-17-1958. Amendments noted where applicable.]

§ 161-1. Encroachments.

- A. No person shall construct, erect or maintain or cause or procure to be constructed, erected or maintained any building or structure upon or within the limits of any part of any street, sidewalk or public place within the Village of Sodus Point.
- B. No person shall construct, erect or maintain or cause or procure to be constructed, erected or maintained above or over any part of any street, sidewalk or public place within the Village of Sodus Point any shed, roof, sign or other overhead projection, obstruction or structure of any kind, except upon temporary license therefor to be granted upon resolution adopted by vote of the Board of Trustees at a regular meeting of such Board; provided, however, that no such license or resolution shall be granted or adopted whereby any such shed, roof, sign or other overhead projection, obstruction or structure shall be permitted to be constructed, erected or maintain at a height less than eight feet above the level of such street, sidewalk or public place.

§ 161-2. Obstructing streets and sidewalks; construction or repair.

No person shall place or set or cause or procure to be placed or set upon any street, sidewalk or public place within the Village of Sodus Point any stand, permanent or temporary, or any commodity for sale or any item of building materials or any other articles of personal property; provided, however, that when necessary for the purpose of construction or repair work on adjacent private or public real property, a temporary license for a period not to exceed 30 days may be granted for the placing of building materials upon portions of the streets, sidewalks or public places adjacent to such private or public real property, upon resolution duly adopted by vote of the Board of Trustees at a regular meeting of such Board. No such license shall be deemed to authorize the interruption of public travel of over and along and public use of such street, sidewalk or public place. Each such license shall provide that the licensee herein named shall exercise such precautions for the safety of the public as such Board of Trustees may require. Upon violation of any of the terms of such license, in addition to such other penalties

as may be provided by law, such license may be suspended by any member of the Board of Trustees.

§ 161-3. Prior notice of dangerous conditions. [Amended 11-20-1997 by L.L. No. 5-1997]

- A. Written notice required. No civil action shall be maintained against the Village of Sodus Point for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert, unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be removed or the place otherwise made reasonably safe.
- B. Form and service of notice. The notice required herein shall be in writing and served upon the Village Clerk personally or by certified mail, return receipt requested. The notice shall set forth in sufficient detail the location, nature and time of discovery of said defect.
- C. Record of notices to be maintained. The Village Clerk of the Village of Sodus Point shall keep an index record, in a separate book, of all written notices which the Village Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon or of any accumulation of ice and snow upon any village street, highway, bridge, culvert or sidewalk or any other property owned by the village, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five years from the date it is received. The Village Clerk, upon receipt of such written notice, shall immediately and in writing notify the Superintendent of Public Works of the village of the receipt of such notice.
- D. Revival of claims; waiver of limitation. Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations not to waive any existing limitation now applicable to any claim or cause of action against the Village of Sodus Point.
- E. Construal of provisions. Nothing contained in this article shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these causes of action but, on the contrary, shall be held to be additional requirements to the rights to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the village, its officers and employees any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

§ 161-4. Excavations.

No person shall make or cause or procure to be made in or under any part of any street, sidewalk or public place or in any curb, any cut, digging or excavation except upon license therefor granted upon resolution duly adopted by vote of the Board of Trustees at a regular meeting of such Board. Each such license shall provide that the licensee therein named shall exercise such precautions for the safety of the public as such Board of Trustees may require. Upon violation of any of the terms of such license, in addition to such other penalties as may be provided by law, such license may be suspended by the Mayor or any member of the Board of Trustees.

§ 161-5. Littering.

No person shall cast, throw, drop, dump or deposit or cause or procure to be cast, thrown, dropped, dumped or deposited on any part of any street, sidewalk or public place within the Village of Sodus Point any paper or papers, rags, scrap or waste, dirt, ashes, cinders, sand or gravel, nails, bottles or glass, swill, refuse or garbage or any junk or rubbish of any kind in any quantity.

§ 161-6. Vegetation and foliage to be trimmed.

- A. The owner, tenant or other occupant of real property within the Village of Sodus Point shall so trim and keep trimmed all grass, weeds, flowers, bushes, shrubs, trees and all other vegetation, whether growing singly or in groups or hedges, that the same may not at any time spread or project upon, across or over any part of any street, sidewalk or public place, whether at ground level or above ground level, except that the projection of tree branches across sidewalks at a height of eight feet and more above the level of said sidewalks and across streets at a height of 15 feet and more above the level of said streets shall not be deemed to be a violation of this subsection.
- B. No person shall erect any fence or structure or place any object on property owned, leased, rented or occupied by him within the right-of-way of any public street, highway or road or closer than six feet to the edge of the paved portion of such street, highway or road or if such road be unpaved, closer than six feet from the edge of the regularly traveled portion on such unpaved road. [Amended 12-21-1967]
- C. Any existing fence or structure or object located closer to a road than permitted hereby shall be removed in 10 days unless an extension of time is granted by the Village Board.

§ 161-7. Posting bills prohibited.

No person shall paint, print, stamp, post or display or cause or procure to be painted, printed, stamped, posted or displayed upon any part of any street, sidewalk or public place within the Village of Sodus Point or upon any tree, pole or post or other appurtenance any part of any street, sidewalk or public place within the Village of Sodus Point any bill, notice or advertisement or any symbols of any kind or any combination thereof. The posting of legal notices of the United States of America and of the State of New York and its subdivisions and

the lawful identification and tagging of their property by public service corporations shall not be deemed to be violations of the provisions of this section.

§ 161-8. Penalties for offenses.

A violation of any of the provisions of this chapter shall be punishable by a fine not in excess of \$100 for such violation. Where any violation is of a continuous or continuing nature, each day on which such violation shall continue shall be deemed to constitute a separate violation and shall be punishable accordingly. Upon conviction of any violation, the magistrate may require the defendant to pay the costs of the proceedings. Unless the penalty and the costs, if imposed, be paid upon conviction, the magistrate shall commit the defendant to the County Jail of Wayne County for a term not exceeding one day of each dollar of the penalty imposed. Nothing herein contained shall be deemed to deprive the Board of Trustees of the right to enforce obedience to the provisions of this chapter or penalties imposed for violations thereof by any other means provided by law, including but not limited to actions to recover penalties and injunctions.