

## Chapter 228

### STREETS AND SIDEWALKS

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[**HISTORY:** Adopted by the Board of Trustees of the Village of St. Johnsville as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Notification of defects — See Ch. 169.  
Sidewalk cafes — See Ch. 215.

Trees in streets and public grounds — See Ch. 253.

#### ARTICLE I Encroachments

[Adopted 8-6-1906 as Section 35 of the 1906 Compilation of Bylaws, Rules and Ordinances; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- § 228-1. Encroachments onto streets prohibited.

No person shall enter or come into or upon any of the streets of this Village with any porch, shed, steps, cellarways, or platforms.

- § 228-2. Removal of unlawful encroachments.

Any shed, porch, steps, or cellarways, or platform now in the streets of this Village may be removed by a resolution of this Board, giving owner five days' notice to remove the same. If he or they shall fail to remove the same they shall be subject to a penalty as set forth in this article for every day they allow such encroachment to remain.

**§ 228-3. Awnings prohibited from dripping on sidewalk.**

No person shall allow any awning to drip on the sidewalks.

**§ 228-4. Penalties for offenses.**

Any person who shall violate any provision of this article shall be punishable, upon conviction, by a fine not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each violation.

**ARTICLE II****General Regulations**

[Adopted 10-12-1942 as Ordinance I of the 1942 Ordinances]

**§ 228-5. Use of streets; cutting of trees.**

It shall be unlawful for any person or persons within the Village of St. Johnsville, New York, to obstruct, encumber upon, or consent to, aid or abet, the obstruction, encumbrance or occupancy of any part of any street or other public grounds except so far as the same shall be necessary for the erection or repair of a building or grading or improvement of a lot, and only so long as it shall be necessary therefor, and only upon the written consent of the Mayor of the Village and the Board of Trustees; provided, however, that such written consent shall not be necessary for the loading and unloading of vehicles, as long as a passageway shall at all times be kept clear for travelers and pedestrians and provided also that all said obstructions including vehicles shall at all times be properly guarded and, during the night, properly lighted, for the safety and care of persons using the street or public grounds.

**§ 228-6. Excavations.**

It shall be unlawful for any person or persons within the said Village of St. Johnsville, New York, to dig or cause to be dug into through or across or adjacent to any street or other public grounds, any trench, ditch, or other openings or excavations for any purpose without the written consent of the Mayor of the Village and the Board of Trustees and then only under the supervision of the Street Commissioner or other proper Village officer, or authority. If the proposed excavation affects the streets or public grounds, the written consent above referred to may be given by the Mayor of the Village only after the person applying therefor has filed with the Clerk of the Village, an undertaking by one or more sureties that he will pay, upon demand, to the Village any damage caused by the applicant's failure to properly restore the said street or public grounds to a safe and usable condition, not exceeding a sum specified in the undertaking which must be fixed by the Board of Trustees as sufficient to reimburse the Village.<sup>1</sup>

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1. Editor's Note: Original Section 3 of Ordinance I of the 1942 Ordinances, re: cutting of trees, which immediately followed this section, was moved to Ch. 242, Trees, Plants and Shrubs, at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 228-7. Snow and ice.**

It shall be unlawful for any owner or occupant of real property within the Village of St. Johnsville, New York, to permit any snow or ice to accumulate upon any buildings or artificial surface adjacent to any street or sidewalk, or to permit snow, ice or water to fall from such building or artificial surface upon any street or sidewalk and further to permit the sidewalk and gutters in front of his or her property to be encumbered with rubbish, snow, or other, improper substances.

**§ 228-8. Sidewalk construction.**

It shall be unlawful for any person or persons within the Village of St. Johnsville, New York, to construct any sidewalk except with the written consent of the Mayor and the Board of Trustees of said Village and then only under the supervision and in accordance with the direction of the said Board of Trustees. Whenever in the discretion of the Board of Trustees it is necessary to construct or repair any sidewalk in the Village of St. Johnsville, and the owner or occupant of the adjoining land shall neglect or refuse to construct or repair such sidewalk, the Board of Trustees of said Village may cause such sidewalk to be constructed or repaired wholly at the expense of the owner or occupant of the adjoining lands, provided that such owner or occupant be given notice in writing of not less than 10 days in case of a new walk or not less than 24 hours in case of repairs, of the necessity for such construction or repair of a specifically described sidewalk. Said notice should indicate the place, manner and time of construction or repair. If the owner or occupant shall not construct or repair the sidewalk as required by said notice, the Board of Trustees may cause same to be constructed or repaired wholly at the expense of said owner, or occupant.

**§ 228-9. Ball playing; coasting; throwing snowballs.**

It shall be unlawful for any person or persons within the Village of St. Johnsville, New York, to play or aid or assist in playing any game of ball in or upon any street or public grounds or to coast, throw snowballs or participate in any amusement, game or practice of any kind upon the public streets or public grounds of the Village which might endanger persons or property, without the consent in writing of the Mayor and Board of Trustees.

**§ 228-10. Poles and posts; unobstructed views required.**

It shall be unlawful for any person or persons within the said Village of St. Johnsville, New York, to place, permit or allow any pole or post or sign or encumbrance of any material whatsoever in, on or over any street or public grounds without the consent of the Mayor and the Board of Trustees of the Village and further it shall be unlawful to maintain any such encumbrance near any street or public grounds in such a way that it obstructs a clear view along said street or public ground and into any intersecting street or public ground, without the consent in writing of the Mayor and Board of Trustees of the Village.

**§ 228-11. Vehicles with cleats.**

It shall be unlawful for any person or persons within the Village of St. Johnsville, New York, to use, operate, or cause to be used or operated upon any street or public grounds within the Village of St. Johnsville any vehicle equipped with cleats or with sharp rims or other similar construction factors, liable to cut or to damage the said streets or public grounds.

**§ 228-12. Parades and concerts.**

It shall be unlawful for any person or persons within the Village of St. Johnsville, New York, to hold, take part in or conduct any parade or music concerts upon the street or public grounds of the Village without the consent in writing of the Mayor and the Board of Trustees of the Village.

**§ 228-13. Fees. <sup>2</sup>**

The Board of Trustees shall, by resolution, establish fees from time to time for permits required by this article.

**§ 228-14. Penalties for offenses. <sup>3</sup>**

Any person who shall violate any provision of this article shall be punishable, upon conviction, by a fine not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each violation.

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2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).