

PART II – GENERAL LEGISLATION

Chapter 200 – Sidewalks – Reserved – see also Ch. 221

[This law has not yet been adopted. It is inserted here to allow for its review by the Board of Trustees and its possible enactment, as well as integration into this part of the Code as Ch. 200]

Article I	In General	Sections 200-1 – 200-5
Article II	Sidewalk Construction and Maintenance	Sections 200-6 – 200-15

Article I In General

Section 200-1 – Title – This article shall be known and may be cited as the “Sidewalk Law of the Village of Marcellus.”

Section 200-2 – Purpose and Findings

- A. It is fundamental for the purpose of this article to recognize that sidewalks have been constructed in the Village for the safe use of the public at large and for the convenience of property owners and their guests, and that the public at large has the right to expect reasonable standards of maintenance and freedom of access to such sidewalks.
- B. The compact nature of the Village makes it a walkable community and the improvement of pedestrian connections with sidewalks, paths, and bicycle lanes, is an important element that enhances the Village quality of life by providing connectivity throughout.
- C. While the automobile dominates as the transportation mode of choice for many people, it is not an absolute necessity for those who live in the Village. Much of the Village’s rare appeal is due to the ability of people to walk to work, shopping, recreational facilities, and doctors’ appointments and consequently meet each other informally on the street. This quality will not be compromised and one that the Village will seek to enhance at every opportunity.

Section 200-3 – Policy – In keeping with the recommendations of the 2007 Comprehensive Plan, it shall be the policy of the Village of Marcellus to promote the walkability of the Village and improve pedestrian connectivity throughout the Village. Maintaining and upgrading the existing Village sidewalks as well as constructing new sidewalks that will loop the Village and connect with existing sidewalks wherever possible will promote this policy.

Section 200-4 – Inventory – It shall also be the policy of the Village of Marcellus to maintain an inventory of all sidewalks in the Village and their existing condition (see Appendix F).

Section 200-5 – Definitions – For purposes of this article, the following terms shall have the meaning indicated:

HAZARDOUS SIDEWALK – A sidewalk in which there is a difference in elevation of at least one inch at a joint or crack, in the slab or between slabs; or that portion of a sidewalk so

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badly spalled, broken or deteriorated as to present a tripping hazard. The existing surface shall be used in determining whether or not a sidewalk is hazardous.

PUBLIC SIDEWALK – Any walkway or pathway, whether or not paved, constructed within the Village right-of-way primarily for the use of pedestrians, which is contiguous to a street as defined in Chapter 200 of the Code of the Village of Marcellus.

PRIVATE SIDEWALK – Any walkway or pathway, whether or not paved, constructed on private property abutting the Village right-of-way primarily for the use of pedestrians.

Article II – Sidewalk Construction and Maintenance

Section 200-6 – Regulation by Board of Trustees – Construction and/or repair of any public sidewalk within the Village of Marcellus shall be under the direction and in the manner determined and prescribed by the Board of Trustees.

Section 200-7 – Determination of line and grade and manner of construction and repair – The Board of Trustees may determine and prescribe the line and grade of public sidewalk and the manner of constructing or repairing of the same, the materials to be used and their quality and the time within which such construction or repairing shall be completed.

Section 200-8 – Construction of new sidewalk

A. Where a public sidewalk does not exist, the owner of property abutting the Village right-of-way may request construction of a sidewalk by the Village. The Village Board shall determine whether the Village shall construct such sidewalk in the interest of public safety and welfare. With the concurrence of the Village Board, the Village Highway Department will construct new sidewalk within the Village right-of-way, provided:

(1) No sidewalk shall be constructed within four feet of the curbing or other recognized edge of a public roadway.

(2) Any sidewalk constructed shall be in compliance with ADA regulations and have a minimum width of five feet.

(3) Any sidewalk constructed shall be of cement, consisting of a minimum of a three-inch base of crushed stone, tamped, plastic mesh with expansion joints. The concrete must be 4,000 PSI with a broom finish. The use of blacktop shall not be permitted. All sidewalks at street intersections must be handicap accessible.

B. Nothing in this section shall be construed to prevent or in any way limit the right of the Village to construct a sidewalk of its own volition within the Village right-of-way.

Section 200-9 – Repair or replacement of existing sidewalk

A. It shall be the responsibility of the Village to repair or replace any hazardous sections of the public sidewalk, and the cost of such replacement shall be borne in its entirety by the Village

unless the hazardous sidewalk was made hazardous by the acts or negligence of the adjoining property owner, in which case the adjoining property owner shall be responsible for the cost of repair or replacement.

B. Where a homeowner removes any or all of a private sidewalk that adjoins the public sidewalk, for any reason, he/she is responsible to have that private sidewalk replaced within a reasonable time or within 60 days (weather permitting). After the private sidewalk is removed, the area, however, must be accessible to Village sidewalk equipment.

Section 200-10 – Responsibility to maintain public access to sidewalks

A. Generally, snow and ice shall be removed by the Village Highway Department from public sidewalks within 24 hours after the end of a snowfall.

B. It shall be the responsibility of the property owner whose property adjoins any public sidewalk to keep the sidewalk of the property owner in a safe, non-hazardous condition, clear and free of obstructions, including but not limited to brush, snow, ice and debris of any kind.

C. No person, firm, or corporation shall deposit, throw, place or strew, nor shall any person, firm or corporation cause to be deposited, thrown, placed or strewn, any snow or ice upon any public sidewalk, street, avenue or roadway within the Village of Marcellus.

Section 200-11 – Removal by Village – Whenever the owner or occupant of every parcel of real estate adjoining a public sidewalk fails to remove the snow and ice from such private sidewalk adjoining such public sidewalk within the time specified in this article or within eight hours after notice by the Highway Superintendent or other representative of the Village of Marcellus to remove same, it shall be the duty of the Highway Superintendent or other representative to remove or cause to be removed said snow or ice from such sidewalk and notify the Village Clerk of the expense incurred by the amount of labor, equipment and materials used.

Section 200-12 – Cost of removal – The Village Clerk shall present to the owner or occupant of each parcel a bill for the removal of snow and ice as certified by the Highway Superintendent or other representative of the Village of Marcellus. If not paid within 30 days, the cost thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent Village real property taxes. If it becomes necessary to re-levy the cost of snow and ice removal upon the owner's real property taxes, then, in that event, there shall also be an additional \$50 added to the re-levy as an administrative fee.

Sections 200-13 – 200-15 – Reserved

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