

LOCAL LAW 4 OF 2019

A LOCAL LAW Amending Chapter 252 Streets and Sidewalks and Chapter 273 Tree Preservation to Reorganize Existing Provisions and Add New Language Reflective of Current Practices.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

SECTION 1. Article I, Encumbrances and Encroachments, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, is hereby amended to read as follows:

Article I Encumbrances and Encroachments

§ 252-1. Permit required for placement of construction materials.

No person shall place or cause to be placed any stone, brick, lime, cement, timber or other material for building, or to be used for any purpose in connection with the construction of any building, in or upon any street, lane or public place in the village, without a written permit.

§ 252-2. Permit issuance; conditions; fee.

The Building Inspector is authorized to grant permits to place building materials or other articles necessary in the construction of buildings, in any street, lane or public place in the village, but no such permit shall be for a longer period than two months, nor shall such permit authorize the obstruction of any part of the sidewalk nor more than 1/3 of the driveway of the street opposite the land on which it is proposed to erect a building. For every such permit there shall be paid a sum to be determined by the Village Board by resolution and set in the fee schedule

§ 242-3. Receptacles stored on street or sidewalk.

No person shall place or cause to be placed, or keep or suffer to be kept, any box, barrel, cask or other article on any street or sidewalk in the village, except that receptacles containing ashes or garbage may be so placed and kept a reasonable time prior to the collection of same by the person or persons designated by the village authorities to collect the same.

§ 252-4. Washing vehicles on street or sidewalk.

No person shall wash or cause to be washed any vehicle on any street, lane, sidewalk or other public place in the village.

§ 252-5. Reserved

§ 252-6. Penalties for offenses.

Any person who violates any provision of this article shall be punished subject to the penalties prescribed by § 1-13 of the Village Code.

SECTION 2. Article II, Recreational Use, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, is hereby amended to read as follows:

Article II
Recreational Use

§ 252-7. Reserved.

§ 252-8. Sliding on sidewalks.

No person shall slide upon any sidewalk in the Village of Hastings-on-Hudson on any sleigh, sled, board or other contrivance.

§ 252-9. Bicycles on sidewalk.

No person shall ride any bicycle on any sidewalk in the village, except to cross the same to go into or from an adjacent yard or lot.

§ 252-10. Skateboarding, roller-blading and roller-skating in business district.

A. Roller-blading, roller-skating, skateboarding and similar activities are prohibited on the following streets and sidewalks along those streets and parking lots:

- (1) Warburton Avenue, from Broadway to Washington Avenue.
- (2) Main Street, from Broadway to Warburton Avenue.
- (3) Spring Street, from Warburton Avenue to Maple Avenue.
- (4) Maple Avenue, from Spring Street to North Street.
- (5) North Street, from Warburton Avenue to Maple Avenue.
- (6) Southside Avenue, from Spring Street to Washington Avenue.

B. In addition, roller-blading, roller-skating, skateboarding and similar activities are prohibited in:

- (1) VFW Park (on Warburton Avenue).
- (2) Boulanger Plaza (on Main Street).
- (3) Steinschneider Plaza Parking Lot (between West Main Street and Spring Street).

- (4) The Warburton Avenue Parking Lot (across from Post Office).
- (5) The Southside Plaza Parking Lot (Con Ed Parking Lot on Southside Avenue).

§ 252-11. Amusements injuring or endangering property or persons.

No person shall indulge in any other amusement or practice in any street, lane or public place which shall injure or endanger property or persons.

§ 252-12. Penalties for offenses.

Any person who violates any provision of this article shall be punished subject to the penalties prescribed by § 1-13 of the Village Code.

SECTION 3. Article III, Trees, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, Sections 252-13, 252-14 and 252-15 are hereby repealed and reserved.

SECTION 4. Article IV, Awnings, Sidewalk Obstructions, Trees and Curbs, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, is hereby amended to read as follows:

Article IV.
Sidewalk Obstructions and Curbs.

§ 252-16. Reserved.

§ 252-17. Sidewalk obstructions.

- A. The practice of encumbering village sidewalks with air, water, gasoline hose, water cans, produce, merchandise, vending machines and crates is hereby declared a menace to public safety and health and is prohibited.
- B. Sidewalk doors. Sidewalk, vault or cellar doors shall be constructed to safely sustain a load of 300 pounds per square foot. They shall be set flush with the sidewalk surfaces and without any projecting or raised surfaces. The upper surface shall be a nonslip-type metal. Before proceeding with an installation, a full-size detail of type and one-and-one-half-inch-scale layout shall be submitted for the approval of the Building Inspector.

§ 252-18. Reserved.

§ 252-19. Crossing curbs and gutters.

Curbs, gutters and sidewalks shall be protected from damage by trucks that may cross them, and no truck may cross any curb, gutter or sidewalk without first obtaining a permit to do so. The fee for such permit shall be determined by the Village Board by resolution and set in the fee

schedule.[1] A deposit to guarantee that sidewalk or curb will not be damaged shall be made as determined by the Village Board by resolution and set in the fee schedule.

SECTION 5. Section 252-21, Notice of required repair or improvement, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, is hereby amended to read as follows:

§ 252-21. Notice of required repair or improvement.

In case any sidewalk shall at any time, in the judgment of the Superintendent of Public Works, require repair or improvement, the Superintendent of Public Works may serve a notice, either personally or by mail, upon the owner or owners of the lot or piece of land in front of which such sidewalk is out of repair or in an unsafe condition, requiring the owner or owners thereof, within 10 days of the service of such notice, to repair or improve such sidewalk so as to make the same in good repair and in a safe condition.

SECTION 6. Section 252-22, Failure to comply; authority of Street Commissioner, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, is hereby amended to read as follows:

§ 252-22. Failure to comply; authority of Superintendent of Public Works.

If any owner or owners shall neglect or refuse to repair or improve such sidewalk within the time limited therefor, the Superintendent of Public Works may forthwith make such repairs and improvements in such manner as he shall deem proper and suitable and shall file with the Village Manager a certificate of the expense thereof, together with a description of the property in front of which such repairs or improvements are made.

SECTION 7. The definition of “Superintendent” in section 252-28, Definitions, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, is hereby amended as follows:

§ 252-28. Definitions.

SUPERINTENDENT

The person in charge of the Department of Public Works or the highway operations in the village, or his authorized deputy, representative or inspector.

SECTION 8. Section 252-44, Insurance requirements, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, is hereby amended as follows:

§ 252-44. Insurance requirements.

Each applicant, upon the receipt of a permit, shall provide the village with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as

against claims for property damage which may arise from or out of the performance of the work. Such insurance shall cover any and all possible hazards of whatsoever kind or nature, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed in written requirements by the Building Inspector.

SECTION 9. Section 252-50, Penalties for offenses, of Chapter 252, Streets and Sidewalks, of the Code of the Village of Hastings-on-Hudson, is hereby amended in its entirety as follows:

§ 252-50. Penalties for offenses.

Any person who violates any provision of this chapter shall be punished subject to the penalties prescribed by §1-13 of the Village Code.

SECTION 10. New Section 273-10, Street Trees, of Chapter 273, Tree Preservation, of the Code of the Village of Hastings-on-Hudson, is hereby added as follows:

§ 273-10. Street Trees.

Trees on the Village streets shall not be removed or disturbed without permission of the Board of Trustees, and any tree removed for any reason shall be replaced with new trees in the nearest practical location designated by either the Board of Trustees or Superintendent of Public Works. The cost of replacement shall be borne by the one desiring the removal or the one benefiting thereby. The size and variety of new trees shall be as required by the Village. No poplar trees shall be planted within 50 feet of any sewer or sewer branch.

SECTION 11. Sections 273-10, 273-11, 273-12 and 273-13 are hereby renumbered 273-11, 273-12, 273-13 and 273-14.

SECTION 12. SEVERABILITY

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 13. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.