

**Chapter 74**

**STREETS AND SIDEWALKS**

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

GENERAL REFERENCES

- Garbage and rubbish — See Ch. 35.
- Hawking and peddling — See Ch. 41.
- Littering — See Ch. 54.
- Parades — See Ch. 59, Art. I.
- Road service and towing — See Ch. 65.
- Sewers — See Ch. 68.
- Soliciting — See Ch. 71.
- Vehicle and traffic — See Ch. 80.
- Land subdivision regulations — See Ch. L.

ARTICLE I  
(Reserved) <sup>1</sup>

§ 74-1. through § 74-3. (Reserved)

1. Editor's Note: Former Art I, Signs and Merchandise, adopted 5-1-1933, was superseded 3-3-1986 by L.L. No. 2-1986. See now Ch. 70, Signs.

ARTICLE II  
(Reserved) <sup>2</sup>

§ 74-4. through § 74-6. (Reserved)

ARTICLE III  
**Vending Machines on Sidewalks**  
[Adopted 7-8-1974 by L.L. No. 2-1974]

**§ 74-7. Permit required.**

It shall be unlawful to sell, display or dispense merchandise or food products, excluding newspapers, from a sidewalk without obtaining a permit from the Village Clerk.

**§ 74-8. Recommendation of Planning Board.**

The Village Clerk shall not issue a permit without receiving written recommendation from the Planning Board.

**§ 74-9. General regulations.**

No vending machine shall be placed on the sidewalk with any part of it nearer the curblin than the face of the building. Where a corner property is involved, buildings shall be considered to have faces on both streets. A vending machine shall be considered as a machine in which a coin is inserted and from which a product is dispensed. All machines in existence as of June 1, 1974, shall continue to be used. Those machines may be replaced by newer machines; however, the location shall remain the same, and no additional machines will be allowed. Likewise, a machine that is removed and not replaced within six months shall not be permitted to be replaced.

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2. Editor's Note: Former Art. II, Awnings, adopted 5-1-1933, was superseded 3-3-1986 by L.L. No. 2-1986. See now Ch. 70, Signs.

**§ 74-10. Face of building.**

The face of a building shall be considered as the front wall or glass area at street level. If more than one building is on the same property, the face at the more restrictive location shall control.

**§ 74-11. Penalties for offenses.**

Any person in violation of this article shall be fined not more than \$25 for each and every day the violation exists.

**§ 74-12. When effective.**

This article shall take effect immediately.

## ARTICLE IV

**Reconstruction of Sidewalks, Curbs and Gutters <sup>3</sup>**

[Adopted 12-4-1989 by L.L. No. 11-1989]

**§ 74-13. Permission to construct required.**

It shall be unlawful for any property owner or resident of the Village of Liberty to construct or reconstruct any sidewalk, curb or gutter in the Village of Liberty on public domain without first obtaining the consent and permission of the Village of Liberty (Village Manager, Code Enforcement Officer and Street Superintendent).

**§ 74-14. Conformance to specifications required.**

Any construction or reconstruction must be made in accordance and in conformity with the specifications and regulations of the Village of Liberty and under the supervision of an engineer

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3. Editor's Note: Former Art. IV, Reconstruction of Sidewalks, Curbs and Gutters, adopted 1-6-1975 by L.L. No. 1-1975, was repealed 11-6-1989 by L.L. No. 9-1989.

designated by the Village of Liberty and the Street Superintendent of the Village of Liberty.

**§ 74-15. Petition for improvement.**

The construction of sidewalks, curbs and gutters shall be made upon petition by an individual property owner for such improvement affecting his property only or by property owners of a minimum of 2/3 of front footage of property in any block or side of the street for such improvement to the entire block or side of the street.

**§ 74-16. Construction by property owners or Village.**

- A. The Village may consent to have sidewalks, curbs and gutters constructed by the property owners, upon approval of materials to be used, line and grade, with supervision of an engineer to be designated by the Village. The Village may consent to cause such improvement to be made in the following manner:
- (1) By the individual property owner hiring or employing his own contractor, so long as any work so performed by the employee of the individual property owner is performed in accordance with the specifications and regulations as set forth by the Village of Liberty.
  - (2) By the individual property owner requesting or petitioning the Village to cause such construction or reconstruction to be made.
- B. In the event that the property owners of 2/3 of the front footage of property involved petition for such improvement as hereinabove set forth, the construction or reconstruction may be made by whomever said property owners employ, so long as the work so performed is in accordance with the specifications and regulations as set forth by the Village of Liberty. In the event that the property owners petition for

such improvement as hereinabove set forth, the construction or reconstruction of sidewalks, curbs and gutters may be made by the Village of Liberty, by its employees or designees.

**§ 74-17. Assessment of costs.**

- A. Any sidewalks constructed or reconstructed in the Village of Liberty pursuant to the terms of this article shall be constructed or reconstructed solely and entirely at the cost and expense of the property owner.
- B. The cost for the construction or reconstruction of curbs and gutters shall be borne as follows: 50% of the cost shall be borne by the property owner, and 50% of the cost shall be borne by the Village of Liberty.
- C. Sidewalks, curbs and gutters constructed by the Village contractor or departments may be financed by issue of Village obligation bonds. The amortization of bonds shall be levied as special assessments to property owners directly benefiting from the improvements.
- D. The special assessments and amortization schedule shall be approved by the Board of Trustees after a public hearing, and the assessments shall be computed and apportioned on a front-footage basis. Individual assessments shall be made annually on a pro rata basis in accordance with the bond amortization schedule.

**§ 74-18. Repealer.**

Any ordinance or local law heretofore adopted by the Board of Trustees and in conflict with the provisions of this article is hereby repealed.

**§ 74-19. When effective.**

This article is to take effect immediately.

**§ 74-20. Specifications.**

- A. Concrete required. Sidewalks shall be constructed by using concrete. Unless stated otherwise, all sidewalk replacement shall be Type A cement concrete sidewalk. However, in some instances, brick may be used for decorative purposes. All sidewalks presently consisting of blacktop will be allowed to remain until such time as they are to be repaired or replaced. At that time concrete will be required.
- B. Subgrade. The subgrade shall be graded, leveled and compacted to a smooth surface parallel to the final surface and free from all bumps, depressions, standing water, roots, organic material and all deleterious material. This subgrade shall be at a level 10 inches below final grade for concrete sidewalks. The six-inch subbase under the sidewalk shall be Type A run-of-bank gravel, except that the tolerance of the finished surface shall be plus or minus 1/4 inch.
- C. New or replacement sidewalk. Where new or replacement cement concrete sidewalk is to meet existing sidewalk, the existing sidewalk shall be removed back to the first expansion or construction joint.
- D. Valve and curb boxes, manhole covers. Any valve boxes, curb boxes, manhole covers, etc., encountered or to be located in the sidewalk area shall be adjusted so that the top surface is flush with the top surface of the sidewalk. All valve boxes, curb boxes, etc., shall be left in such a way that the covers are easily removed and the boxes shall function in the manner in which they were intended.
- E. Type A cement concrete sidewalk. Concrete shall be Mix A with five-percent to seven-percent air entrainment. Concrete thickness shall be four inches, except that it shall be six inches through driveways or roadways subject to vehicular traffic. Unless stated otherwise in the special requirements, the sidewalk shall contain reinforcing of 6/6 gauge welded wire fabric at all driveway crossings and in



other locations where vehicular traffic crosses or is likely to cross the sidewalk. The reinforcing shall be placed halfway between the top and bottom surfaces of the sidewalk. Sidewalks shall have transverse construction joints to the full depth of the concrete spaced 20 feet to 25 feet apart, and the edges of all joints shall be finished with an edging tool of one-fourth-inch radius. Transverse construction joints shall be 1/2 inch wide and shall be made using New York State Department of Transportation Item M36 (premoulded bituminous joint filler). Premoulded bituminous joint filler, New York State Department of Transportation Item M36, shall also be placed between sidewalk and curb, pavement, buildings, etc., and shall be used in transverse construction joints.

- F. Scoring of surface. The top surface shall be scored at intervals of three to five feet so that the finished walk will be marked in squares both longitudinally and transversely.
- G. Sidewalk forms. Sidewalk forms shall be either steel or wood and shall be equal in depth to the thickness of the sidewalk. Sidewalk forms shall be held firmly in place using steel pins driven into the ground. Prior to the start of each day's concrete pavement, the sidewalk forms shall be placed and graded to the proper line and grade.
- H. Curing. Curing shall be at the contractor's option, either New York State Department of Transportation Specifications Item M39, waterproof paper blankets; M40, quilted covers; M40A, polyethylene-coated burlap blankets; or M40B, polyethylene curing covers, shall be used. The selection of materials and methods shall take into account the possibility of damage from freezing temperatures, but in any event the concrete shall be kept covered and moist for at least five days.
- I. With prior permission from the Village Board of Trustees, repair of existing sidewalks can be topped with New York State approved No. 7F asphalt material. Plans and specifications must be approved by the Building Inspector

or Highway Superintendent. **[Amended 8-10-1992 by L.L. No. 10-1992]**

ARTICLE V  
**Snow and Ice Removal**  
**[Adopted 2-13-1978 by L.L. No. 2-1978; amended in its entirety 1-2-1979 by L.L. No. 1-1979]**

**§ 74-21. Scope. [Amended 12-4-1989 by L.L. No. 11-1989]**

The sidewalks to be affected by this article shall be all sidewalks located on the following streets:

- A. Main street from the intersection of Oberferst Street to the intersection of Liberty Street.
- B. Chestnut Street from the intersection of Main Street to the intersection of Yaun Avenue.
- C. School street from the intersection of Main Street to the intersection of Grant Street.
- D. Darbee Lane from the intersection of Main Street to the intersection of Grant Street.
- E. Church Street from the intersection of Main Street to the intersection of Maple Street.
- F. Lake Street from the intersection of Main Street to the intersection of Railroad Avenue.
- G. John Street from the intersection of Main Street to the intersection of Maple Street.
- H. All of Maple Street.
- I. Law Street from the intersection of Main Street to the intersection of Academy Street.
- J. Clements Street from the intersection of Chestnut Street to the intersection of Spring Street.

**§ 74-22. Duty to remove accumulations.**

It shall be the duty of every owner, lessee, tenant, occupant or other person having charge of any premises in the Village of Liberty which abuts upon any of the above-enumerated streets where a sidewalk or a path for the passage of pedestrians exists within four daylight hours after snow ceases to fall or after the deposit of any dirt, accumulation of ice or other foreign matters to remove them from the same and the same shall be removed by the persons enumerated above from any such sidewalks, path or lane.

**§ 74-23. Procedure when material is not removable.**

In the event that the snow and ice on the sidewalks, path or lane shall be frozen so that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or other person having charge of said lot or ground as aforesaid may, within the time specified in the preceding section, cause said sidewalk, path or lane to be strewn with ashes, sand, salt or some suitable rough material and shall as soon thereafter as the weather shall permit thoroughly clean such sidewalk, path or lane. The determination as to whether or not the snow and ice is frozen as aforesaid shall be made by a Village representative.

**§ 74-24. Removal by Village; costs to become lien.**

Whenever any owner, lessee, tenant, occupant or other person having charge of any lot or ground shall fail or neglect to remove snow, ice, dirt or other accumulated material from any such sidewalk, path or lane as provided in this article, the Village of Liberty may have the ice and snow removed therefrom and bill the said owner, lessee, tenant, occupant or other person for the expense incurred thereby, computed at a minimum charge of \$15 for each occurrence, plus a rate of \$0.20 per running foot of surface for all over 50 feet for all snow, ice, dirt or other materials removed. A notice shall be presented by the Village Clerk on behalf of the Village to the owner of the

property personally or by mail. Should an assessment be made, it shall be levied and collected by the Village Treasurer. The imposition and collection of any fine or penalty under this article shall not bar the right of the Village to collect the cost of removal of snow, ice or other material pursuant to this section. Any unpaid assessment shall be added to the tax roll of the Village of Liberty against the property owner of the premises abutting the sidewalk in question and become a lien against the premises so affected.

**§ 74-25. Severability.**

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof, and the Village Board hereby declares that it would have enacted the remainder of this article without such section or provision declared invalid.

**§ 74-26. Penalties for offenses.**

Any owner, lessee, occupant or person in charge who shall fail, neglect or refuse to remove snow and ice or other material as directed in this article or who shall violate any of the provisions of this article or who shall resist or obstruct the Village or its agents or employee in the removal of snow and ice shall be guilty of a violation and subject to a fine not exceeding \$100 and imprisonment as provided by § 55.10 of the Penal Law of the State of New York.

**§ 74-27. When effective.**

This article shall take effect immediately.

## ARTICLE VI

## Use and Maintenance

[Adopted 10-15-1979 by L.L. No. 9-1979]

**§ 74-28. Restrictions on use.**

- A. It shall be unlawful for any person to roller skate, to use a skateboard or similar device or to ride a bicycle or any other wheeled vehicle propelled by motor, by gravity or by the use of the rider's feet on any public sidewalk or pedestrian footpath in the Village of Liberty.
- B. It shall be unlawful for any person to roller skate, to use a skateboard or similar device on any public street in the Village of Liberty.
- C. The prohibition herein shall not apply to the use of wheelchairs or similar appliances by physically handicapped persons.

**§ 74-29. Maintenance of sidewalks by owner or occupant.**

It shall be unlawful for the owner or occupant of any real property or premises in the Village of Liberty to suffer the sidewalk or sidewalks adjacent to or in front of the same to become out of repair and in an unsafe and dangerous condition. Such owner or occupant shall keep such sidewalks free from any obstruction interfering with the use of said sidewalk by the public.

**§ 74-30. Penalties for offenses. [Amended 11-9-2009 by L.L. No. 3-2009]**

Any person violating any of the provisions of this article shall be a disorderly person, and such violation shall constitute disorderly conduct and such person shall be a disorderly person, and any person, firm or corporation which shall violate or permit, suffer or allow anyone under his, their or its direction or control to violate any provisions of this article shall,

upon conviction, be punishable by a fine not exceeding \$100 for each offense.

ARTICLE VII  
**Notification of Defects**  
[Adopted 9-9-1985 by L.L. No. 3-1985]

**§ 74-31. Defects in highways, bridges or signs; snow and ice.**

No civil action shall be maintained against the Village of Liberty (hereinafter referred to as the "Village") for damages or injuries to person or property, including those arising from the operation of snowmobiles, sustained by reason of any highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the Village being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the Village was actually given to the Village Clerk of the Village and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned, operated or maintained by the Village unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the Village and there was a failure or neglect to cause such snow or ice to be removed or to make the piece otherwise reasonably safe within a reasonable time after the receipt of such notice.

**§ 74-32. Defects in sidewalks; snow and ice.**

No civil action shall be maintained against the Village for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Village or in consequence

of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Village pursuant to statute; nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice, unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the Village and there was a failure or neglect to cause such defect to be remedied or such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

**§ 74-33. Record of notices.**

The Village Clerk of the Village 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 an accumulation of ice and snow upon, any Town highway, bridge, culvert or a 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 Village Manager of the Village of receipt of such notice.

**§ 74-34. Construal of provisions.**

Nothing contained in this chapter 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 comparative or contributory negligence; nor to impose upon the Village, its officers and employees and/or any

of its improvement districts 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.

ARTICLE VIII  
**Access to Village Roads**  
[Adopted 7-26-2000 by L.L. No. 2-2000]

**§ 74-35. Road access permit required; fee; application information.**

Prior to any person or entity constructing, maintaining or permitting any vehicular access from its property onto a Village road, by way of a driveway or curb cut which was not constructed, maintained or permitted prior to the effective date of this article, and prior to any person or entity resurfacing any existing vehicular access from its property onto a Village road from a driveway or curb cut, such person or entity must first apply for and obtain a Village of Liberty road access permit from the Village of Liberty Superintendent of Highways, on forms to be provided by the Village of Liberty, accompanied by an application fee of \$15. Such forms shall be signed by the applicant and shall contain all relevant information required by the Village of Liberty Highway Department, including but not limited to the name, address and telephone number of the applicant, contractor (if any) and contractor's telephone number, the location of the proposed access, the type of access, and the estimated number of entries and exits per day. In addition, the applicant must provide to the Superintendent of Highways a survey or accurate sketch depicting the location of the proposed access with reference to fixed, identifiable landmarks.

**§ 74-36. Construction and maintenance of driveways and curb cuts.**

No person or entity shall permit vehicular access from its property onto a Village Road by way of a driveway or curb cut unless it was properly constructed and maintained prior to the



effective date of this article or it is properly constructed, maintained and the subject of a Village of Liberty road access permit subsequent to the effective date of this article.

**§ 74-37. Specific criteria for driveways and curb cuts.**

No construction, maintenance or resurfacing of a driveway or curb cut providing access onto a Village road shall be permitted if it fails to provide sufficient sight distance or if it interferes with proper drainage, the proper flow of traffic, any utilities or utility structures or any Village structure, including but not limited to curb stops, manholes and water control valves.

**§ 74-38. Indemnification against injury.**

Any person or entity applying for a Village of Liberty road access permit shall agree to save and hold the Village of Liberty and the Village of Liberty Superintendent of Highways, and their respective agents and employees, free and harmless from any and all liability from danger or injury to property or injury to or death of any person or persons occasioned, caused by and/or contributed to by the construction and/or maintenance of the access to the Village road so applied for and/or maintained.

**§ 74-39. Approval or denial of application.**

Upon receipt of a fully filled out and executed application for a Village of Liberty road access permit, which shall include the indemnification required by § 74-38, the Superintendent of Highways shall, within 10 business days of his receipt of same, review same to determine whether all of the necessary information and the survey or sketch have been provided and, if so, whether granting a Village of Liberty road access permit is appropriate, based upon whether the access requested would provide sufficient sight distance and would not interfere with the proper flow of traffic, proper drainage, any utilities or utility structures or any Village structure on the Village road. If the Superintendent of Highways determines that granting the

Village of Liberty road access permit is appropriate, he shall issue such permit on a form to be supplied by the Village of Liberty. The Superintendent's decision to approve or deny the permit shall be made within 10 business days of his receipt of the application and supporting documentation.