

**Chapter 185**  
**STREETS AND SIDEWALKS**

**ARTICLE I**  
**Driveways**

- § 185-1. Permit for construction required.
- § 185-2. Deposit required.

**ARTICLE II**  
**Crossing Sidewalks**

- § 185-3. Permit required for driving over sidewalks or curbs.
- § 185-4. Deposit required.

**ARTICLE III**  
**Erecting Poles and Wires**

- § 185-5. Permit required.

**ARTICLE IV**  
**Excavations for Public Works**

- § 185-6. Written notice of excavation required.

**ARTICLE V**  
**Excavation of Highways**

- § 185-7. Permit required.
- § 185-8. Insurance.
- § 185-9. Refilling and resurfacing site.
- § 185-10. Permit fees.
- § 185-11. Contents of permit application.
- § 185-12. Inspection of completed work; return of deposit.
- § 185-13. Exemption from fee.

**ARTICLE VI**  
**Excavation Protection**

- § 185-14. Fencing, flares required.

**ARTICLE VII**  
**Damaging Highways**

- § 185-15. Vehicles with spiked wheels, etc.

**ARTICLE VIII**  
**Drain and Sewer Connections**

- § 185-16. Permit required.
- § 185-17. Drainage.

**ARTICLE IX**  
**Drain Obstruction**

- § 185-18. Throwing substances into streets prohibited.

**ARTICLE X**  
**Street Fires**

- § 185-19. Lighting fires in streets prohibited.

**ARTICLE XI**  
**Building Materials on Highways**

- § 185-20. Permit required.
- § 185-21. Guidelines for permitted obstructions.
- § 185-22. Removal of materials.

**ARTICLE XII**  
**Encumbering or Littering Highways**

- § 185-23. Signs, banners, etc.

§ 185-24. Littering streets.

§ 185-26. Construction vehicles.

§ 185-25. Litter from vehicles.

§ 185-27. Liquids on highways.

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

## GENERAL REFERENCES

Notification of defects — See Ch. 142.

---

## ARTICLE I

## Driveways

[Derived from Section 31 of the General Code of Ordinances]

## § 185-1. Permit for construction required.

- A. It shall be unlawful to construct any private driveway over any sidewalk without a permit. All driveways from private property to the streets and highways of the Village shall be so constructed that they will conform to contour of the gutters. From the sidewalk to and across the gutter, they shall be of concrete or other material approved by the Superintendent of Streets. On the inside line, the sidewalk shall be reinforced by a strip of concrete at least 12 inches in width.
- B. On any street where it may be necessary to lower a curb or provide entrance to private property, a permit shall first be obtained from the Clerk.

## § 185-2. Deposit required. [Amended 4-26-1976 by L.L. No. 2-1976]

At the time the permit is issued, a deposit in an amount as adopted by resolution of the Board of Trustees shall be made to cover repairs to the sidewalk.

## ARTICLE II

## Crossing Sidewalks

[Derived from Section 32 of the General Code of Ordinances]

## § 185-3. Permit required for driving over sidewalks or curbs.

Except at street crossings and at duly approved private driveways, it shall be unlawful for any person to drive or propel any cart, truck, automobile or other vehicle over any sidewalk or curb in the village without first obtaining a permit therefor from the Clerk.

## § 185-4. Deposit required. [Amended 4-10-1978 by L.L. No. 5-1978]

At the time the permit is issued, a deposit shall be made in an amount as adopted by resolution of the Board of Trustees to cover repairs to the sidewalk.

## ARTICLE III

**Erecting Poles and Wires****[Derived from Section 33 of the General Code of Ordinances]****§ 185-5. Permit required.**

It shall be unlawful to erect telegraph, telephone or electric light poles and to stretch wires and cables in, over, under or upon any street unless a permit is first obtained.

## ARTICLE IV

**Excavations for Public Works****[Derived from Section 34 of the General Code of Ordinances]****§ 185-6. Written notice of excavation required.**

Whenever any sewer, culvert, water main, conduit or pipe is to be constructed, altered or repaired in any street in which the pipes, mains or conduits of public service corporations are laid, or whenever such street shall be regulated or graded, the contractor therefor, or the Superintendent of Streets, if the work is to be done by the village, shall give notice thereof in writing to the said corporation whose pipes, mains or conduits are laid in the street about to be so disturbed, regulated or graded, at least 24 hours before breaking ground therefor. This provision shall be included in every contract hereafter made for constructing, altering or repairing any sewer, culvert, water main, conduit or pipe, in any street in which the pipes, mains or conduits of public service corporations shall be laid at the time of making such contract or for regulating or grading any such street.

## ARTICLE V

**Excavation of Highways****[Derived from Section 35 of the General Code of Ordinances]****§ 185-7. Permit required.**

It shall be unlawful for any person to excavate into or remove any pavement, sidewalk, crosswalk, curb or gutter or any part thereof, or to dig any hole or ditch in any street or sidewalk, without a permit issued by the Village Clerk, which permit shall be granted only upon application, as required by the Village Clerk.

**§ 185-8. Insurance.**

No permit shall be issued by the Village Clerk unless and until:

- A. The applicant files with the Village Clerk a policy of liability insurance insuring the village, the applicant and the party doing the work against liability for damage allegedly arising out of, in connection with or because of the issuance of said permit or the work done under said permit, for personal injuries, including death, in the sum of \$100,000 for one person and \$300,000 for one accident, and for property damage in the amount of \$50,000;

- B. The applicant files with the Village Clerk either an indemnity bond in an amount equal to the estimated cost of restoring the pavement at the site of the proposed excavation or a cash deposit in said amount. The amount of said bond or cash deposit shall be based on the estimate of the General Foreman of Streets or the Village Engineer.

**§ 185-9. Refilling and resurfacing site.**

The refilling, relaying, resurfacing, repaving and repairing at the site of the excavation shall be done promptly and properly by the applicant after the need for the excavation has ended. A temporary patch of asphaltic concrete shall be placed over the excavation as soon as refilled. After a period of not less than 30 days nor more than 90 days, the temporary patch shall be removed and replaced with material identical to the material in the original pavement or as directed by the General Foreman of Streets. Patches shall be of dimensions directed by the General Foreman of Streets, but no less than two feet more than the width of the excavation. In the event that the refilling of the excavation, the resurfacing or repaving is not done promptly and properly by the applicant, the Village Clerk shall give notice to the applicant orally or by mail that if said refilling, resurfacing or repaving is not completed within 48 hours, then said work will be done by the village or its agents or contractor at the sole cost and expense of the applicant. Notice mailed to the applicant at the address given by him in his application for the permit shall be deemed sufficient.

**§ 185-10. Permit fees. [Amended 4-10-1978 by L.L. No. 5-1978]**

- A. The fee for a permit to open or excavate any street, sidewalk, crosswalk, curb or gutter shall be in an amount as adopted by resolution of the Board of Trustees.
- B. Where such opening is made on a state or county highway or private street over which the village has no jurisdiction, a fee in an amount adopted by resolution of the Board of Trustees shall be paid to the village to cover inspection.

**§ 185-11. Contents of permit application.**

Such application or permit shall state the location, nature, purpose and extent of the excavation or opening, the kind or kinds of pavement to be disturbed, the time when said excavation or opening will be started and the approximate period of time during which the street or sidewalk will remain open.

**§ 185-12. Inspection of completed work; return of deposit.**

All refilling, repaving and resurfacing work done by such permit holders shall be approved by the General Foreman of Streets. Upon completion of the work contemplated by said permit to the satisfaction of the General Foreman of Streets, said deposit shall be returned, excepting the fee to cover the issuance of permit and the supervision of the work and to cover the cost of the portion of the work performed by or on behalf of the village, as above indicated.

**§ 185-13. Exemption from fee.**

No fee shall be required from any utility company with which the village has a contract that provides that no fee shall be charge to reach its pipes.

## ARTICLE VI

**Excavation Protection**

[Derived from Section 36 of the General Code of Ordinances]

**§ 185-14. Fencing, flares required.**

It shall be unlawful for any person to make any excavation in or adjacent to any street within the village without placing and maintaining along the same a strong and securely fastened rail or fence with suitable red lights or flares displayed from sunset to sunrise.

## ARTICLE VII

**Damaging Highways**

[Derived from Section 37 of the General Code of Ordinances]

**§ 185-15. Vehicles with spiked wheels, etc.**

It shall be unlawful for any person to draw, drive or otherwise propel over any street of the village any vehicle or apparatus having corrugated, spiked, cleated or knobbed wheels, rollers or traction belts or other equipment which would or might injure the street.

## ARTICLE VIII

**Drain and Sewer Connections**

[Derived from Section 38 of the General Code of Ordinances]

**§ 185-16. Permit required.**

All connections of private property to the sewers or drains of the village shall be made by the property owners, but only under permit from the village, first obtained and subject to the regulations of Article V above and any and all other requirements of the village.

**§ 185-17. Drainage.**

It shall be unlawful for any person to connect or permit to be connected any roof leaders, drains, gutters, cellars or water courses with any sanitary sewer or pipe leading to or into any such sewer, or permit the same to discharge upon or flood any surface area.

ARTICLE IX

**Drain Obstruction**

[Derived from Section 39 of the General Code of Ordinances]

**§ 185-18. Throwing substances into streets prohibited.**

It shall be unlawful for any person to cast or throw or cause to be cast or thrown into any street any straw, shaving, wood, stones, shells, rubbish or any filth or other substance or to cause any obstruction, nuisance or injury to the drains, ditches, gutters or sewers by diverting or stopping the courses thereof or otherwise.

ARTICLE X

**Street Fires**

[Derived from Section 47 of the General Code of Ordinances]

**§ 185-19. Lighting fires in streets prohibited.**

It shall be unlawful for any person to kindle, light or ignite any fire upon any street.

ARTICLE XI

**Building Materials on Highways**

[Derived from Section 51 of the General Code of Ordinances]

**§ 185-20. Permit required.**

It shall be unlawful for any person to place any building material upon any highway without a written permit.

**§ 185-21. Guidelines for permitted obstructions.**

It shall be unlawful for any person to encumber at any time more than one-third of the roadway and all sidewalks and gutters shall be kept clear and unobstructed and all rubbish shall be removed promptly, from time to time, by the person to whom such permit was issued. During the existence of any such obstruction, the same shall be sufficiently marked by red lights or flares from sunset to sunrise to protect the public.

**§ 185-22. Removal of materials.**

Upon the expiration or revocation of such permit, all materials deposited thereunder shall be removed and the highway restored to its original condition within 48 hours.

## ARTICLE XII

**Encumbering or Littering Highways****[Derived from Section 53 of the General Code of Ordinances]****§ 185-23. Signs, banners, etc.**

It shall be unlawful to erect or maintain signs, banners ropes, wires or other material over or across the sidewalks or streets in the village except after obtaining a permit from the Clerk. (See Chapter 173, Signs.)

**§ 185-24. Littering streets.**

It shall be unlawful for any person to put, throw, drop or in any way, directly or indirectly, to cause or permit to be placed or left on any street any glass, nails, paper, refuse, litter, articles or material of any kind which may cause injury to human beings, animals or to the tires and other parts of vehicles or to devices moved by human beings, or which may mar the neat and orderly appearance of such street.

**§ 185-25. Litter from vehicles.**

It shall be unlawful for any person driving, managing or operating a car, vehicle or other receptacle to scatter, drop or spill or permit to be scattered, dropped or spilled, any dirt, paper, sand, gravel, clay, loam, stone, building rubbish, hay, straw, oats, sawdust, shavings or other materials of any sort or manufacturing, trade or household waste or rubbish of any sort or ashes, manure, garbage or other organic refuse or matter or permit the same to be blown therefrom by the wind, in or upon any street.

**§ 185-26. Construction vehicles.**

Every vehicle used to transport dirt, manure, sand, gravel, ashes, mud, lime, garbage, swill, offal, litter or other loose materials in any street shall be fitted with a good substantial tight box thereon, the sides of which shall be at least 24 inches in height and the tail board at least 18 inches in height so that none of the contents may escape, and all vehicles, when used in carting garbage, offal, swill or other offensive matter or ashes shall have the box thereof closely covered with a covering to prevent the escape of any of the contents or effluvia therefrom.

**§ 185-27. Liquids on highways.**

It shall be unlawful to permit any fluid, excepting from rain or snow, to run from private premises upon any highways.