

BILL NO. 3 OF 2014

A LOCAL LAW to amend Kensington Code Chapter 133 entitled “Streets and Sidewalks.”

BE IT ENACTED by the Kensington Board of Trustees as follows:

Section One. Kensington Code §133-2 entitled “Building materials on streets; excavations; moving buildings” subsection (B) is amended as follows:

Such permit shall be conditioned upon said work’s being performed in such manner that a sufficient and safe passageway for pedestrians and vehicular traffic will be kept clear at all times, upon the proper guarding of the same both by night and day so as to avoid accidents and danger and upon the complete restoration of said road, street, highway, sidewalk, parkway or public place to its original condition; provided, however, that the Board of Trustees may, in its discretion, condition the issuance of such permit upon the making and filing of a bond made by the applicant as principal, with a surety or insurance company duly authorized and licensed to do business in the State of New York as surety, in such amount as the Board of Trustees may direct, that the applicant will hold harmless from and will indemnify the Village for any and all injury, loss or damage to person or property, either of the Village or others, resulting from or caused by any act or omission of the applicant, his agents, servants or employees or any contractor employed by the applicant. Every permit for the opening of a road, street, highway, sidewalk, parkway or other public place shall provided that the person making the opening shall, as promptly as possible, backfill or cause the same to be backfilled and shall place thereon suitable temporary pavement which shall be cared for and maintained by such person until such time as proper settlement for the laying of permanent pavement shall have taken place, such time not to exceed three (3) months. Such road openings shall be inspected by the Building Inspector at the time the road is opened, at the time it is filled and at the final paving. The fees for such inspections will be set by the Board of Trustees by resolution. Further, all final paving shall occur from curb to curb. The person making or causing the opening to be made shall notify the Village Clerk when said opening has been backfilled and temporarily paved and when the laying of permanent paving has been completed.

Section Two. Kensington Code Chapter 133 is amended by adding a new §133-6 entitled “Penalties” to read as follows:

§133-6. Penalties.

Any violation of this chapter shall be punishable by a fine of three times the permit fee for the work performed.

Section Three. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the courts order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section Four. This local law shall take effect immediately upon filing with the Secretary of state.