

## Chapter 133

## STREETS AND SIDEWALKS

- § 133-1. Permit for change of grade of street or sidewalk; fee.
- § 133-2. Building materials on streets; excavations; moving buildings.
- § 133-3. Permit for moving buildings.
- § 133-4. Permit for opening street.
- § 133-5. Permit for depositing building materials.

**[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 2-18-81 as L.L. No. 2-1981. Sections 133-1B, 133-3, 133-4 and 133-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## GENERAL REFERENCES

Notification of defects — See Ch. 100.

- § 133-1. Permit for change of grade of street or sidewalk; fee.
  - A. No person shall change the grade of any public sidewalk, road, street, highway or parkway in the village for any purpose whatsoever, nor shall any person lower any curb, without having first made application in writing to and securing a written permit from the Village Clerk. The application shall be accompanied by a sketch or plan indicating the points on the property line at which the lower curb shall begin and end, as measured from the nearest street intersecting such curb or sidewalk.

- B. The fee for such permit shall be as provided by resolution of the Board of Trustees.<sup>1</sup>

**§ 133-2. Building materials on streets; excavations; moving buildings.**

- A. No person shall leave or deposit any material of any kind for building or other purposes in or upon any public road, street, highway, parkway or sidewalk (whether paved or unpaved) or other public place in the village, or dig or cause to be dug for any purpose any excavation, trench or other opening in any street, road, highway, parkway, sidewalk or public place in said village, or dig or remove or cause to be dug or removed therefrom any earth, stone, sand or gravel, or tear up or damage any pavement, sidewalk, crosswalk, drain, sewer or any part thereof, or erect, lay or cause to be erected or laid any telegraph, telephone, light or other poles or any drain, conduit or other pipe under, in or upon or over any road, street, highway, parkway, sidewalk or public place in said village, or move or cause to be moved any building or structure upon, along or across any road, street, parkway, highway, sidewalk or public place, without first having obtained from the Village Clerk a written permit for that purpose.
- B. 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

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

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 provide 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. 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.

**§ 133-3. Permit for moving buildings.<sup>2</sup>**

Each applicant for a permit to move or cause to be moved any building, dwelling house, barn, garage, outbuilding or other structure from one place to another upon, along or across any road, street, parkway, highway, sidewalk or public place in the village shall pay such fee as provided by resolution of the Board of Trustees for each day or part of a day on which the work takes place or each day such structure is so in transit, in addition to meeting the requirements for posting a bond in an amount determined by resolution of the Board of Trustees to secure the proper restoration and indemnify for injury, loss or damage as specified therein.

**§ 133-4. Permit for opening street.<sup>3</sup>**

If any person to whom has been granted a permit to open a street, road, highway, parkway, sidewalk or public place in the village shall fail, neglect or refuse promptly to backfill or cause to be backfilled and covered with temporary pavement any such opening, such opening may be backfilled and covered with temporary pavement by the village and such person shall pay for such backfill at the rate per

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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cubic yard established by resolution of the Board of Trustees, and for such temporary pavement at the rate per square yard established by resolution of the Board of Trustees, and if any such person shall fail, neglect or refuse, within the time limited by the permit issued to such person, to restore to its original condition the surface of any such road, street, highway, parkway, sidewalk or other public place, the same may be restored by the village and such person shall pay for such restoration at the rate per square yard of surface restored established by resolution of the Board of Trustees. If, after the opening shall have been backfilled and the surface of the road, street, highway, sidewalk, parkway or public place shall have been properly restored, there shall be a balance over and above the amount of the deposit made as herein provided, then such balance shall be returned to the person making such deposit; and if the cost of backfilling and restoration of the surface shall exceed the sum deposited, the excess shall be paid by such person.

**§ 133-5. Permit for depositing building materials.<sup>4</sup>**

The fee for the leaving or depositing of any material for building or other purposes in or upon any public road, street, highway or sidewalk (whether paved or unpaved) or other place in the village shall be as established by resolution of the Board of Trustees for each and every day it shall be so left or deposited.

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<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.