**VILLAGE OF TUXEDO PARK**

**LOCAL LAW NO. \_\_\_\_\_\_ OF 2022**

### A LOCAL LAW AMENDING CHAPTER 83, “STREETS AND SIDEWALKS” OF THE VILLAGE CODE

BE IT ENACTED by the Village Board of the Village of Tuxedo Park, County of Orange New York (“Village Board”) as follows:

**Section 1. Legislative Intent.**

It is the intent of this Local Law to amend the provisions of Chapter 83, “Streets and Sidewalks” of the Village Code. The Village Board determines that it is in the interest of the public health, safety and welfare of the residents of the Village of Tuxedo Park to amend the rules, regulations relating to the application process and fees related to certain projects and other road work within the Village of Tuxedo Park.

**Section 2.** **Authority**

This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

**Section 3**. **Amendments of Village Code, Chapter 83, “Streets and Sidewalks”**

Chapter 83, Article I, Section 4 entitled “Time restrictions on road work” shall be amended as follows:

### Chapter 83, Article I, Section 10 entitled “Obstructions or encumbrances prohibited” shall be amended as follows

#### § 83-10 Obstructions or encumbrances prohibited.

#### Any roadside condition occurring or emanating from private property or utility installations in the Village right-of-way, but adversely affecting the safety, health and welfare along, on or adjacent to any Village road or right-of-way shall be corrected by the subject property owner or utility company at their sole expense. Such conditions shall include but are not limited to deteriorating road walls and fences, clogged or diverted culverts, gutters and drainage ditches, overhanging tree branches and other vegetation, utility equipment and gear that is not part of the active utility infrastructure, brush and vegetation that interferes with utility wires access, trees and limbs that pose a threat to utility wires, untended trash receptacles and enclosures, misplaced mailboxes, lawn sprinklers, plowed snow and other protrusions or intrusions from private property onto any roadway or pathway.

### Chapter 83, Article I, Section 11 entitled “Notice of violations, time limit for compliance” shall be amended as follows

#### § 83-11 Notice of violations; time limit for compliance.

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1. These or any other roadside or roadbed conditions deemed adverse to the health, safety or welfare of the Village may be cited by the Police Department, Board of Trustees, Planning Board, Building Inspector or Public Works Superintendent. Upon written notice from any of these officials, the property owner or occupier shall, within seven days, reply to the Board of Trustees and either request a hearing from that Board or submit a timely plan for correcting the cited conditions. The decision of the Board of Trustees shall be binding, and corrective measures must be completed within the Board's specified time period.
2. When the Village determines that a utility pole in a Village road right-of-way is damaged and poses a potential threat to public safety, the Village shall notify any public utility with a plant on the damaged pole that it must remove its plant from the damaged pole within 15 days of receiving such notification from the Village. For the purposes of this Article, a “plant” shall be defined as the cables, terminal, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other telecommunications service.
3. When the Village determines that a double pole is in a Village road right-of-way, the Village will notify the public utility which owns the double pole that the pole must be removed within 90 days or be subject to penalty. For the purposes of this Article, a double pole shall be defined as any damaged utility pole or old utility pole from which the plant has been removed, in whole or in part, which is attached or in close proximity to a new utility pole.
4. Permit requirements. The Village shall include in all permits for the installation or removal of utility poles in Village rights-of-way the following provision:
5. The permittee shall have 90 days to remove a double pole following the installation of a new pole in its immediate vicinity. Failure to do so may result in penalties as provided by law.

**Section 4. Severability.**

If a court of competent jurisdiction 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 court’s 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 5. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.5 (26) and (33) this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

**Section 6. Code Preparation.**

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

**Section 7. Effective Date.**

This Local Law shall be effective immediately upon filing with the Secretary of State.