

Chapter 212

STREETS AND SIDEWALKS

GENERAL REFERENCES

Building construction — See Ch. 81.

Moving of buildings — See Ch. 86.

Drainage — See Ch. 107.

Garbage collection — See Ch. 137.

Gasoline stations — See Ch. 140.

Hedges and fences — See Ch. 144.

Littering — See Ch. 154.

Parking lots — See Ch. 170.

Plumbing — See Ch. 181.

Property maintenance — See Ch. 185.

Signs — See Ch. 203.

Vehicles and traffic — See Ch. 240.

Zoning — See Ch. 252.

ARTICLE I

Maintenance and Use**[Adopted as Ch. 18, Art. I, of the 1967 Code of Ordinances]****§ 212-1. Maintenance of sidewalks, curbs and gutters. [Amended 8-20-1979 by L.L. No. 4-1979; 8-20-2007 by L.L. No. 13-2007]**

- A. Each owner, tenant, occupant or person in charge of any real property shall keep the public sidewalk and curb adjoining and abutting such property, and the street for a distance of 18 inches from the curbline ("gutter"), free from litter, debris, rubbish, garbage and refuse.
- B. No such owner, tenant, occupant or person in charge of such property shall sweep or power blow litter, debris, rubbish, garbage or refuse on such sidewalk, curb or in such gutter unless all sweepings and debris are collected and removed from said areas immediately after the use of such sweeping device or blower.
- C. Each owner, tenant, occupant or person in charge of a commercial or mercantile business shall inspect such sidewalks, curbs and gutter before 10:00 a.m. each business day. Where there is the presence of litter, debris, rubbish, garbage and/or refuse thereon, such sidewalk, curb and gutter shall be immediately cleaned thereof.
- D. Penalties for violation.
 - (1) Any person failing to comply with the provisions of Subsection A, B or C of this section shall be guilty of a violation.
 - (2) A violation of any provision of this section shall be punishable by a fine up to \$350.
 - (3) A second or any subsequent violation of this section committed within 18 months of a prior violation hereof shall be punishable by a fine up to \$500 per violation.

§ 212-1.1. Repair and maintenance of sidewalks, curbs, paths and public thoroughfares. [Added 9-15-1997 by L.L. No. 5-1997]

- A. No person owning any land shall allow any sidewalk, curb, path and/or public thoroughfare in front of or contiguous to such land to become or remain in any condition which might unreasonably endanger any person. **[Amended 1-22-2001 by L.L. No. 2-2001]**
- B. The Board of Trustees, after duly noticed public hearing, may serve a notice upon the owner of such land, specifying the place, manner and time within which said sidewalk, curb, path or public thoroughfare is required to be repaired or put in a safe condition. If the owner of such land shall not repair the sidewalk, curb, path and/or thoroughfare within the time required by the notice, the Board of Trustees may cause the repairs to be made to the sidewalk, curb, path and/or public thoroughfare or to be otherwise put in a safe condition at the expense of

the fronting or adjoining landowner; such expense may be assessed by the Village Board against said fronting or adjoining land and collected in the manner of any other assessment as prescribed by law. **[Amended 1-22-2001 by L.L. No. 2-2001]**

- C. Bid specifications; franchise award. **[Amended 12-1-2003 by L.L. No. 14-2003]**
- (1) The Superintendent of the Department of Buildings is authorized to prepare bid specifications for an award of a two-year requirements contract for the repair and construction of sidewalks, curbs, paths and/or public thoroughfares.
 - (2) The Board of Trustees may award a franchise for two years after a duly noted public hearing pursuant to Village Law § 412(3)(6) to the successful qualified bidder for such repair and construction, as may be required by the Board of Trustees pursuant to Subsection B herein.
- D. Village responsibility. The Village shall be responsible for removing a curbside tree and repairing a sidewalk or curb, provided that: **[Added 9-19-2011 by L.L. No. 10-2011]**
- (1) Such sidewalk area or curb was damaged by the same tree and repaired by or on behalf of the owner of the abutting property, pursuant to this section, on two occasions; and
 - (2) The said property owner shall plant a replacement tree in the front yard area of the abutting property six feet from the sidewalk. The Superintendent of Public Works shall have the authority to determine the location of said replacement tree if the front yard setback is less than 20 feet. Said location may include either the front yard or the area between the sidewalk and curb.
- E. Emergency situations. Where a state of emergency has been declared by the federal, state, county or Village government and where village departments, inclusive of the Department of Public Works, the Police Department, the Building Department, the Fire Department, and/or the Recreation Department, are called into action for an emergency situation involving Village trees, streets, sidewalks, curbs or paths, the Mayor or his designee(s) may order: **[Added 2-4-2013 by L.L. No. 3-2013]**
- (1) Immediate removal, repair or public protection measures as required for the public safety and welfare.
 - (2) Such action as deemed necessary for the safety and welfare of persons or property where a privately owned tree, sidewalk, curb or path constitutes an immediate danger.
 - (3) The personnel of the subject village departments to remain on duty with respect to hours of service, location of duty, and services to be

performed as deemed necessary for the public safety and welfare. Under such emergency conditions, the provisions of any collective bargaining agreement, contract of employment, noncontractual terms of employment or appointment shall be deemed to include payment or reimbursement for any related expenses incurred by such personnel, including private vehicle usage, loss of income from non-Village employment, gasoline, meals, emergency equipment or tools purchased or rented, medical care for injuries sustained and damage to private property of such personnel used in the emergency service.

**§ 212-2. Parking on Village streets during snow emergencies.¹
[Added 12-5-1988 by L.L. No. 16-1988]**

- A. Findings. Vehicles left unattended on streets during and after a snowfall have been known to obstruct snowremoval operations by impeding the clear passage of snowplows and other snow-removal equipment. This chapter has been enacted to compel the owners of vehicles to become more responsive to the cooperative effort needed to expedite snow-removal operations and to combat the paralyzing effect of snow accumulation upon Village roads during a snow emergency as declared pursuant to this chapter.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
- MAYOR — The Mayor of the Village of Lynbrook.
- PARK — Leaving a vehicle standing motionless and unattended for an interval of time longer than necessary to board or unload passengers or freight.
- VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- VILLAGE STREET — Any street, road, highway or cul-de-sac over which the Department of Public Works of the Village of Lynbrook has jurisdiction for snow removal.
- C. Authorization for Mayor to declare and to terminate a snow emergency. The Mayor is hereby granted the authority to declare a snow emergency within the Village of Lynbrook. He shall also have the authority to declare the termination thereof when in his judgment there is no further requirement for such declaration.
- D. Notice of declaration and termination of snow emergency. Due notice of a declaration of snow emergency and due notice of its termination shall be given to the public through the use of such audible and visual media of communication as may be available at the time of snow emergency is

1. **Editor's Note: Former § 212-2, Obstructing streets and sidewalks, was repealed 12-1-1980 by L.L. No. 17-1980.**

declared or terminated through facilities such as local radio and television broadcasting and telecasting stations, newspapers, municipal bulletin boards or any other form of communication capable of giving notice to the public.

- E. No parking during snow emergency. It shall be unlawful for an owner of a vehicle to park or permit his vehicle to be parked on any Village street during a snow emergency until such time as the snow emergency has been terminated, pursuant to the provisions of this chapter.
- F. Penalty. Any person committing an offense against Subsection D of this section is guilty of a traffic infraction punishable by a fine not exceeding \$100.

§ 212-3. Obstructing or encumbering other public areas.

- A. Prohibited. No person shall obstruct, encumber or impede any public area in the Village.
- B. Permits for temporary use. Any person may apply, in writing, to the Board of Trustees for a permit authorizing temporary use of a public area. Such application must set forth the name and address of the applicant, the exact location for the area under request, the reason therefor, the duration of time required for such use and the nature of the temporary use. The Board of Trustees may grant or deny such a permit and may impose conditions necessary to protect the general welfare, safety and health of the general public and will require insurance liability coverage from the permittee in an amount to be determined by the Board of Trustees to hold the Village harmless from any claim arising therefrom. Upon approval by the Board of Trustees, such permit shall be validated by the Mayor or his authorized agent.
- C. No person shall place or maintain an operating device for the vending of newspapers or magazines or a news rack, bin or similar device for the distribution, circulation or dissemination of printed material of any nature on a public area in the Village without receiving a permit from the Village Clerk for each such device. Such permit shall be for a period of one year. The fee for each such permit shall be set by resolution of the Board of Trustees. All applications for such permits shall be reviewed by the Chief of Police for the sole purpose of determining whether the proposed location of the device will create a hazard to pedestrians or vehicular traffic or endanger the safety and welfare of persons using said public area. In the event that the Chief of Police determines that the location will not create such a hazard or endangerment, the Village Clerk shall issue the permit after the approval and signature of the Mayor. **[Added 3-21-1988 by L.L. No. 8-1988; amended 3-2-1998 by L.L. No. 12-1998]**

§ 212-4. Skateboards and skates prohibited on certain streets and sidewalks² [Added 8-11-2008 by L.L. No. 2-2008]

A. Legislative findings. The Village Board has found that the riding, use and/or operation of in-line skates, roller skates or skateboards in certain commercial areas in the downtown part of the Village constitutes a danger and a hazard to the persons and property of individuals lawfully frequenting such sidewalks and streets. It has been determined that the safety and well-being of the members of the general public and the protection of property would be advanced by a prohibition of these activities in those certain areas of the Village.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

IN-LINE SKATES — A manufactured or assembled device consisting of an upper portion that is intended to be secured to a human foot, with a frame or chassis attached along the length of the bottom of such upper portion, with such frame or chassis holding two or more wheels that are longitudinally aligned and used to skate or glide by means of human foot and leg power while having such device attached to such foot.

ROLLER SKATE — A manufactured or assembled device consisting of a frame or shoe having clamps or straps or both for fastening, with a pair of small wheels near the toe and another pair at the heel mounted or permanently attached thereto, for skating or gliding by means of human foot and leg power.

SKATEBOARD — A narrow board of wood, plastic, fiberglass or similar material with roller skate or other type of wheels attached to each end and used for gliding or moving on any hard surface without a mechanism or other device for steering while being used, operated or ridden.

TRAFFIC — Pedestrians, vehicle use, skateboard use, use of in-line skates, or use of roller skates on any street, highway, sidewalk or appurtenance thereto or on private property as defined in Vehicle and Traffic Law § 1640-a.

C. Prohibition. It shall be unlawful:

(1) To ride or operate on an in-line skate, roller skate, or a skateboard in any manner upon the sidewalks, appurtenances, municipal parking lots, and/or streets in the specific designated areas in the Village set forth in § 212-4D.

(2) Authorization by parent or guardian.

(a) For a parent of a child or a guardian of a ward under the age of 16 years to authorize or permit said child or ward to ride or operate an in-line skate, roller skate or a skateboard upon the sidewalks, appurtenances, municipal parking lots and/or

2. **Editor's Note: Former §§ 212-4 through 212-4.13, regarding awnings and canopies, as added 10-7-1991 by L.L. No. 7-1991, were repealed 3-2-1998 by L.L. No. 12-1998. See now Ch. 203, Signs, § 203-7.1.**

streets in the aforesaid specifically designated areas in the Village.

- (b) Where a parent or guardian of such child under the age of 16 authorizes or permits such child's use or operation of an in-line skate, roller skate or skateboard, there shall be a rebuttable presumption that such parent or guardian authorized such use in violation of Subsection C(1) or (2)(a) herein.
- D. Areas of prohibition. The prohibition set forth in § 212-4C applies to the streets, sidewalks, property and appurtenances in the following areas in the Village:
- (1) Hempstead Avenue between Blake Avenue and Merrick Road.
 - (2) Atlantic Avenue between Merrick Road and Lincoln Place and Roosevelt Street.
 - (3) Broadway between Merrick Road and Union Place.
 - (4) Stauderman Avenue: all of Stauderman Avenue.
 - (5) Sunrise Highway between Peninsula Boulevard and Forest Avenue.
 - (6) Merrick Road between Columbus Drive and Earle Avenue.
 - (7) Municipal Parking Lot No. 20.
- E. Penalties for offenses. Any person violating a provision of this section shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine not to exceed \$100.

§ 212-5. Shrubbery obstructing intersections.

Where shrubbery obstructs, or tends to obstruct, the view of intersecting streets or highways, such shrubbery shall be cut and trimmed to a height of not more than three feet from a point 20 feet from the inside sidewalk line.

§ 212-6. Cutting or trimming trees; enforcement.

- A. Clearance prescribed. It shall be the duty of every owner of real property in the Village to keep all trees in front of his premises trimmed so that overhanging limbs will not interfere with passersby in the sidewalk or roadway. All overhanging limbs shall be at least eight feet above the center of the sidewalk and 13 feet above the roadway.
- B. Enforcement of section. It shall be the duty of the Superintendent of Public Works or the Foreman of the Department of Public Works to see that the provisions of this section are enforced.

§ 212-7. Destruction of shade trees.

No person shall in any way injure or destroy any tree planted or grown upon any sidewalk, public street or highway within the Village.

§ 212-8. Removal of shade trees. [Amended 9-11-1978 by L.L. No. 14-1978]

- A. Permit required. No person shall remove any shade tree planted or growing upon or adjacent to any public sidewalk, street or highway within the Village, except upon a permit to be issued by the Superintendent of the Building Department upon an application thereof.
- B. Application for permit. The application for such permit shall contain an agreement on the part of the applicant that he will remove the tree or trees at his own cost and expense and hold the Village harmless; that he will replace said tree with a live pin oak (genus quercus) tree, willow oak, Bradford pear or sophora tree at least 10 feet in height above the existing sidewalk grade within four months; in addition, that he shall properly care for said tree to assure its continued life; that if he does not replace said tree within such time, the Village may cause a tree to be planted in the place and instead of the tree removed and charge the cost thereof to the applicant in addition to any penalty imposed for such violation.

§ 212-9. Building materials in streets.

- A. Prohibited; exception. No person shall place or cause to be placed or suffer or permit to be kept any stone, timber, lumber, concrete blocks or other building material or any boxes, barrels, casks or any similar article or substance whatsoever in the Village so as to obstruct or impede in any manner the free and uninterrupted use of the street, except that any person who is the owner of or engaged in the erection of any building may apply to the Board of Trustees, in writing, for a permit for the partial obstruction of such public street during such building operations, which written application shall state the reason for such application and the length of time for which such permit is desired.
- B. Issuance; scope of permit. The Board of Trustees may, in its discretion, grant a written permit for such partial obstruction, to be signed by the Mayor and countersigned by the Clerk, which permit shall state the length of time, the purpose and extent for which it is granted.

§ 212-10. Removal of material.

No person shall dig, remove or carry away or cause to be dug, removed or carried away any stone, earth, sand or gravel from any public street, highway, sidewalk or public place in the Village, except such as may be

necessary in the construction of a sidewalk, without a written permit from the Board of Trustees.

§ 212-11. Drainage.

- A. No person shall construct or cause to be constructed any drain to lead from any building across, over or under any sidewalk in any street, road, avenue or highway in the Village without permission therefor having first been obtained from the Board of Trustees to do so.
- B. Prohibited drainage. No person in the conduct of any business or enterprise in the Village shall permit or allow the flow of water from any spigot, hose, outlet, drain or any other source from which water may flow or be ejected or emitted across or over any sidewalk in any street, road, avenue or highway in the Village.

§ 212-12. Removal of barriers or warning devices.

- A. Removal of barriers. No person shall remove, displace or in any manner interfere with any barrier, guardrail or other object which shall have been placed along or across any public street in the Village for the purpose of preventing persons, animals or vehicles from entering upon any street in which a roadway is about to be, is being or has been recently constructed.
- B. Removal of lanterns or signals. No person shall remove, displace or in any manner interfere with any lantern or other signal which shall be used as a danger sign to warn approaching travelers at any place that a highway, street or sidewalk is about to be, is being or has been recently constructed.

§ 212-13. Driving upon facilities under construction.

No person or persons shall enter upon or drive any vehicle, with or without motive power, upon any roadway or sidewalk in process of construction, reconstruction or repair, nor shall any person drive any such vehicle upon any sidewalk or across or upon any street curbstone except for the purpose of entering or leaving a driveway accessory to a building. Such entry or exit shall be through a curb cut or ramp connected with the street or roadway.

§ 212-14. Repair of vehicles on public property.

- A. Generally. It shall be unlawful to make repairs to any vehicle in any public street or public place in the Village, except in an emergency.
- B. Parking; storage. It shall be unlawful to park or store any vehicle in any public street or public place in the Village for the purpose of holding or keeping such car to make repairs thereafter, except in case of emergency repairs.
- C. Painting; cleaning. It shall be unlawful to paint, clean or wash any vehicle or part thereof in any public street or public place in the Village.

§ 212-15. Leaving vehicles on public property.

- A. Prohibited. No person shall place or leave or allow to be placed or left any wagon, cart, engine, road rollers, tractor used for agricultural purposes, tractor crane, power shovel, road-building machine, snowplow, road sweeper, sand spreader, well driller, electric truck used in a factory or other vehicle, other than a motor vehicle, not in actual use at the time in any of the highways or public streets of the Village, except as provided herein.
- B. Lights required. Any such vehicle, other than a motor vehicle, when upon a highway or public street in the Village during the period from sunset to sunrise, must display two lights in front and a red light in the rear which shall be visible from a point at least 500 feet distant.

ARTICLE II

Alteration of Grade**[Adopted as Ch. 18, Art. III, of the 1967 Code of Ordinances]****§ 212-16. Official grade map adopted.**

The Board of Trustees of the Village hereby establishes as the official grade map for the Village the grades, measurements and dimensions shown on the grade map prepared by Carman Dunne, Inc., Village Engineers, which map is dated the ninth day of December 1940, and known as Map No. 40-161, and fixes all of the elevations, grades and dimensions shown on said map as the official grades, elevations and dimensions of the Village at which all future roads, sidewalks and improvements shall be made.

§ 212-17. Conformity with map required.

All grades furnished by the Village Engineer or Superintendent of Buildings shall be in accordance with the grades shown on the map adopted as the official grade map in § 212-16.

§ 212-18. Permit required to alter grade.

No person shall alter or disturb the grade of any street, highway or public place within the Village until said person shall first obtain a permit therefor from the Superintendent of Buildings.

§ 212-19. Application procedure; fee. [Amended 12-1-1969 by Ord. No. 69-30; 3-4-1974; 12-18-1978 by L.L. No. 19-1978]

Each application for a permit required in § 212-18 shall be in writing on a blank form provided by the Village, containing the required information, accompanied by a fee payable to the Village Engineer of \$60 for up to and including 100 feet, with an additional charge of \$0.60 per foot for every foot thereafter.

§ 212-20. Required agreements.

Each application for a permit provided for in § 212-18 shall be accompanied by an agreement on the part of the applicant to hold the Village harmless for the costs of replacement and repair in the event the applicant fails to restore as provided in this article and also by an agreement to indemnify the Village against any and all claims or actions for personal property damage and for bodily harm arising out of or by reason of negligence on the part of said applicant in connection with the aforementioned work or replacement.

§ 212-21. Required bonds and insurance.

- A. No permit required in § 212-18 shall be issued unless prior thereto the person applying therefor shall execute and file with the Superintendent of Buildings one bond and one

- (1) Insurance policy as follows:
 - (2) Bond. A surety company bond in the sum of \$2,000 to assure the Village that the street, highway or public place or surface of or pavement thereon will be restored to the same condition that it was in at the time the permit was issued, namely, reasonably safe for travel or other public use.
 - (3) Insurance. An insurance policy in the sum of one \$100,000 and \$200,000, indemnifying and saving harmless the Village for any and all liability for bodily injury or otherwise which may result from any disturbance, change or alteration of grade by the applicant of any portion of such street, highway or public place.
- B. Each such bond or policy shall be in the name of the Village as the assured.

§ 212-22. Permit to be in possession of persons doing work.

Every permit issued in pursuance of this article shall be at all times in the possession of the parties actually prosecuting the work.

§ 212-23. Guarding of excavation.

No permit issued in pursuance of this article to any person shall be construed to relieve any such permittee of the duty to properly guard any excavation by guardrails, signal lights and such other means as may be necessary to warn travelers on the highway of the danger to be apprehended therefrom.

§ 212-24. Liability of Village.

No permit issued in pursuance of this article shall be construed in any manner to render the Village liable for any negligence of such applicant in making such excavation.

§ 212-25. Restoration of grade by Village.

In the event of the failure of an applicant hereunder to restore properly any earth or pavement disturbed by him or it within three days after notice by mail to such applicant by the Superintendent of Buildings, said earth and pavement may be restored to grade by the Village, and the cost thereof charged against such applicant and insurance aforesaid.

ARTICLE III

Openings and Excavations**[Adopted as Ch. 18, Art. IV, of the 1967 Code of Ordinances]****§ 212-26. Permit required.**

No person, water company, gas company, telephone company, electric light company or other utility company shall be allowed to open or dig up any road or in any way alter any curbing, gutter, basins, drainage lines or other works of the Village or county therein for any purpose, without a written permit duly issued by the person or department duly authorized by the Village to issue such permit.

§ 212-27. Fee. [Amended 3-6-1995 by L.L. No. 3-1995]

- A. Each applicant for a permit pursuant to this article, before the issuance of the same, shall pay to the Village therefor a fee for such permit, which may be set by resolution of the Board of Trustees from time to time.
- B. In addition to such permit fee, each applicant shall deposit with the Village such sum of cash as may be set by resolution of the Board of Trustees from time to time to guarantee to properly restore said street or public place to its former condition. In lieu of such cash deposit, the Village may accept a surety bond or undertaking, executed by a fidelity or surety company authorized to transact business in this state, in a form approved by the Village Attorney, and in an amount at least 200% of said cash deposit, or the Village may accept such other security, if any, as the Board of Trustees may establish by resolution.
- C. In addition to such permit fee and cash deposit, the applicant shall also pay to the Village, prior to issuance of any such permit, such sum of money, if any, as may be set by resolution of the Board of Trustees from time to time for the inspection costs reasonably anticipated to be incurred by the Village for inspection of the work.
- D. In the event that the area of such work shall be in excess of 150 square feet, the amount of the deposit required by Subsection B may be increased at a rate set by resolution of the Board of Trustees from time to time.

§ 212-28. Special permit required for certain work.

Openings required for installation of distribution mains and sewers shall be made only under a special permit granted on application to the person or department authorized to issue same, upon such conditions and under such guaranties as may be fixed from time to time by the Board of Trustees with respect to each such special permit.

§ 212-29. Tunneling prohibited.

No tunneling under any of the road surfaces shall be permitted. Neither a straight opening crossing the pavement, nor in opening any longitudinal trenches shall any buttresses with tunnels underneath be developed. The entire depth, length and width of the trench shall be opened.

§ 212-30. Preservation of reinforcements.

In cutting concrete pavement all reinforcement shall be cut along the center line of the trench and bent back over the edge of the remaining pavement. After the backfill has been replaced as provided in § 212-33, the reinforcing material shall then be bent back as near to its original position as possible, after which temporary pavement shall be placed by methods acceptable to the Village Engineer.

§ 212-31. Longitudinal trenches.

- A. Size of cut. Where underground works of any character are to be installed longitudinally with the road either within or outside the line of the pavement, the cut shall be for the full width and continuous throughout as provided in § 212-33.
- B. Protection. In all cases where the nature of the subsoil can be determined or where it is clearly indicated as the work progresses, the person making the opening shall provide necessary protection as provided in Subsection C.
- C. Use of sheeting. Where sandy conditions are found, necessary sheeting shall be driven and shall be withdrawn only after proper replacement of fill, as specified in § 212-33. If, in the opinion of the Village Engineer, it is necessary to leave the sheeting in place in order to protect the balance of the pavement, this shall be done at the cost of the party making the opening.

§ 212-32. Trenches within earth shoulders.

Wherever works are to be installed within earth shoulders, the bottom of the trench nearest the edge of the pavement shall not be closer than three feet therefrom and shall be at a greater distance if the nature of the subsoil indicates that the natural angle of repose will make it necessary. In case there is insufficient distance between the edge of the pavement and other public works, such as gutters, curbing, etc., tight sheeting shall be used and driven in such manner as to not impair any of the adjoining work. In all cases, the party opening these highways shall take all due precaution to learn the location of any other public or private works, such as drains, sewers, water lines, etc., which may be affected by such opening and shall repair or cause to be repaired at his own expense any works, either public or private, in any way affected.

§ 212-33. Replacement of backfill.

- A. Generally. The trench shall be carefully refilled as soon as possible after the works are installed and with such excavated material and in the manner herein provided. The material within one foot over the top of the work shall be placed in layers of six inches and thoroughly rammed to the satisfaction of the Village. Mechanical rammers of equal efficiency may be employed.
- B. Use of water. In case the backfill consists of practically all sand, water may be used for settling. In this event 50% of the total depth of the backfill shall be made, followed by a thorough saturation with water, after which the balance of the backfill shall be made and the same treatment given it.
- C. Use of surface materials. In all cases, the party making these openings shall preserve in good condition all surface materials which is to be replaced on the surface of the excavated area and shall be laid to grade. In case any of this material is lost, wasted or for any reason sufficient material is not available due to the excavations or otherwise, the party making the openings shall cause same to be furnished and placed to the satisfaction of the Village Engineer.
- D. Use of temporary pavement. After the backfill has been properly made to the satisfaction of the Village Engineer, the party holding the permit shall cause temporary pavement to be placed over the opening area and any adjoining pavement which may have been disturbed thereby. After sufficient time has elapsed for a proper settlement of the backfill, the temporary pavement shall be removed and permanent pavement installed in accordance with the following sections.

§ 212-34. Replacement of bituminous pavement.

- A. Preparation of trench. In the replacement of bituminous pavement, all temporary pavement or backfill shall be removed, and the adjoining bituminous pavement, if any, shall be removed to a width of one foot on each side of the trench where such trench is not deeper than three feet. In case the trench is of greater depth, the surrounding pavement to a width of two feet on all sides shall be removed. In either case, if the space between the edge of pavement as removed and the outer edge of remaining pavement, either against earth shoulders, concrete gutters, headers or otherwise, is of a lesser width than one foot, it shall also be removed. The subsurface shall then be thoroughly tamped or rolled with a ten-ton roller sufficiently to bring said subsurface to a safe and solid condition to receive and carry the new foundation.
- B. Concrete base. After the trench has been prepared as provided for bituminous pavement, a one-to-two-to-three-and-one-half mix, gravel or broken stone concrete base shall be laid, with which shall be installed five-eighth-inch reinforcing bars spaced twelve-inch centers and two inches above the bottom of the concrete base. This base shall be six inches in thickness and shall be so laid as to permit the placing thereon

of a bituminous pavement two inches thick, the surface of which shall conform to a true grade with the surrounding pavement.

- C. Finishing. All bituminous pavement replacements shall be finished in a workmanlike manner and shall conform as nearly as possible to grade and finish of the surrounding pavement.

§ 212-35. Replacement of concrete pavement.

- A. Preparation of trench. Where cuts have been made and trenches opened through concrete pavements, this pavement shall be cut one foot back of the remaining top of the slab on all sides and where trenches are not more than three feet in depth. Where trenches are of greater depth, the pavement shall be cut back a distance of two feet on all sides and the reinforcing material preserved as far as possible. If, in laying out such cutting of edges, the lines of cutting are closer than five feet from the edge of the original slab, either longitudinally or transversely, the entire area of remaining concrete shall be removed and replacement made over the entire area disturbed.
- B. Laying concrete. In the trench, as prepared in accordance with Subsection A, reinforced concrete pavement shall be laid in accordance with the specifications as adopted by the Village, one-to-one-and-one-half-to-three mix, with a proper grading of broken stone. The depth shall be seven inches throughout except for the area over trenches and two feet in addition thereto where the pavement shall be eight inches thick and additional reinforcing placed two inches above the bottom of the pavement, which reinforcement shall consist of five-eighths-inch rods spaced one foot apart in both directions. The person making such replacements shall use methods to obtain early strength concrete either by using cement especially made for that purpose or by the use of calcium chloride Aqua-Pruf or equal material to produce early strength concrete.

§ 212-36. Guarding of work areas. [Added 3-7-1977 by L.L. No. 5-1977]

All materials placed on, all openings or excavations made in or any obstructions created on or in any public place in the Village of Lynbrook shall be properly marked from sunset to sunrise by amber lights, amber lanterns, reflectors, torches and/or electric flashers or other protective devices, so placed as to indicate from the roadway in both directions the exact location and limits of said work or obstructions. The work shall be at all times adequately guarded by suitable and sufficient fences, barricades, barriers, flags and warning signs or other protective devices to protect it from damage and the public from accident and unnecessary inconvenience.

§ 212-37. Protection of newly replaced pavement.

The area where pavement has been replaced shall be thoroughly barricaded and lighted for a period of not less than 24 hours.

§ 212-38. Notice required prior to restoration of pavement.

No restoration of any opening shall be made until notice in writing therefor has been given to the Department of Public Works or to such person or department as may be designated to make inspection of such restoration while same is being made.

§ 212-39. Replacement by Village.

The Village shall have the right to replace any or all cuts or to alter any replacements which may have been performed by or for the party holding a permit under this article. After such restoration is made, the permittee shall pay the costs thereof to the Village.

§ 212-40. Exemption from provisions; conditions.

Any person who has a franchise to occupy the highways of the Village shall be exempted from the cut-back provisions of this article in respect to bituminous and concrete pavement, provided that, in lieu thereof, such persons shall keep on file with the Village a bond in the sum of \$100,000 and \$200,000 to guarantee the proper restoration of the pavement wherever the necessity for such restoration is due to the act of such person.

§ 212-41. Penalties for offenses.

Any person who shall willfully violate or neglect or refuse to comply with any provision or requirement of this article or any regulation, order or special direction made thereunder shall, in addition to the penalties imposed for violations of this Code, be liable to the Village for any and all damages that may accrue to the Village.

ARTICLE IV

Sidewalk, Curb and Gutter Specifications
[Adopted as Ch. 18, Art. V, of the 1967 Code of Ordinances]**§ 212-42. Title; scope.**

This article shall constitute and be known as the "Sidewalk Code" and may be cited as such and presumptively provides for all matters concerning, affecting or relating to the construction, repair or maintenance of all curbs, gutters, sidewalks and driveways or any other construction in any street between the property lines thereof.

§ 212-43. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CONTRACTOR — The party contracting for or doing any work described herein, or the authorized representative of such party.

ENGINEER — The Village Engineer or his authorized representative.

SUPERINTENDENT OF BUILDINGS — As stated, or any authorized representative of his office.

§ 212-44. Permit required; application requirements.

- A. Form and content of application. No curb, gutter, sidewalk or driveway with which the general public must come in contact shall be laid, installed or constructed in any area in the Village unless application to lay same shall have been made in writing to the Village Engineer and Superintendent of Buildings on forms provided by the Village. The application shall specify the location and character of said curbs, gutters, sidewalks and driveways or any other construction in any street. Such application shall be executed in triplicate and numbered consecutively. When properly endorsed by either of said officials, it shall constitute a permit for obtaining the line and grade of sidewalks, curbs or gutters.
- B. Permit. No work shall be done until the written permit, signed by the Village Engineer and Superintendent of Buildings, shall be issued on said application. Said officers shall each retain one copy of this permit.

§ 212-45. Conformity required.

All work shall be done in conformity with the specifications prepared by the Superintendent of Buildings as set forth herein and approved by the Board of Trustees.

§ 212-46. Lines and grades.

All curbs, gutters, sidewalks or driveways shall be laid in accordance with the lines and grades furnished by a licensed professional engineer. The cost of establishing the lines and grades shall be paid for by the property owner, the contractor or the agent of the owner to said engineer.

§ 212-47. Supervision of work.

All work done and materials used under this article shall be under the supervision and approval of the Superintendent of Buildings or his representative.

§ 212-48. Time limit.

Work under this article shall be completed within 30 days of the date of application therefor, except that when the application is made between November 15 and the following March 15, the work shall be completed before April 15 next succeeding.

§ 212-49. Work on private streets to comply.

All sidewalks, curbe, gutters, driveways or pavement laid, installed or constructed on any private street or on the streets of any new development not dedicated to the Village shall be subject to the same regulations and must comply in all respects with the regulations governing public streets, the title of which is vested in the Village. Failure to comply with the above will be cause for the Village to reject any proffered dedication of such streets.

§ 212-50. Repair and replacement of existing facilities.

- A. All repair or replacement of existing sidewalks, curbs or gutters or driveways shall conform to the regulations hereby established for new construction.
- B. Sidewalks and curbs may remain to existing lines and grades if repair or reconstruction is less than a continuous 40 feet in length. In such case a no-fee permit will be issued. If 40 feet or more, the sidewalk, curb, or gutter shall be laid in accordance with requirements of the Village Engineer and Superintendent of Buildings.

§ 212-51. Notice of violations. [Amended 3-16-1981 by L.L. No. 2-1981]

Violations of this article shall commence after written notice is served, either personally or by mail, to the last known address of the owner, agent, builder, contractor or lessee, and such notice may be served or sent by any person designated by the Mayor and Board of Trustees.

§ 212-52. Maintenance of grade.

- A. Gutters. The grade of the gutters shall be maintained at the grade established by the Village. No ashes, cinders or other materials shall be placed in the roadway in such manner as to interfere with the proper drainage.
- B. Area between sidewalk and curb. The grade of the ground between sidewalk and curb shall be maintained at a level to prevent the collection of water on the sidewalk.

§ 212-53. Material specifications.

Before delivery on the job, and at such other times as the Superintendent of Buildings reasonably deems necessary, the contractor shall furnish any required samples of the materials hereafter mentioned. The materials used shall pass the following requirements:

- A. Cement. Cement shall meet the requirements of the current Standard Specifications for Portland Cement of the American Society for Testing Materials C150-53. A sack containing 94 pounds of cement will be considered one cubic foot.
- B. Fine aggregate. Fine aggregate shall consist of clean, hard, durable uncoated particles of sand, free from organic material. 100% shall pass a one-fourth-inch mesh screen, 95% shall be retained on a one-hundred-mesh screen. Not more than 25% shall pass a fifty-mesh screen. It shall be well-graded from coarse to fine and shall not contain more than 5% by weight of clay or loam, none of which shall be in lumps. When fine aggregate is mixed with portland cement in the proportion of one part cement to three parts fine aggregate by weight, according to the standard method of making briquets, the resulting mortar at the age of seven and 28 days shall have a tensile strength at least equal to that developed in the same time by mortar of the same proportions and consistency made of the same cement and standard Ottawa sand.
- C. Coarse aggregate. Coarse aggregate may be broken stone or gravel. The broken stone or gravel shall be clean, hard, durable uncoated rock. It shall contain no vegetable or other deleterious matter and shall be free from soft, thin, elongated or laminated pieces. 100% of the coarse aggregate shall pass a one-inch screen and at least 95% shall be retained on a one-fourth-inch screen.

§ 212-54. Construction procedure for sidewalks.

- A. All sidewalks shall be of the width and depth provided in Subsection E, with full-cut expansion joints every 12 feet. Where a sidewalk is to be installed adjacent to existing curbs, the contractor shall take care to see that existing soil behind the curb is not disturbed. Any damage to the soil shall be repaired so that the curb shall remain static.
- B. Forms.

- (1) Sidewalk forms shall be of steel, interlocking type, secured with steel drive pins. Steel forms shall be straight, free of dents and other irregularities and clean. Wood forms will be permitted only after approval by the Superintendent of Buildings and then only when of clean straight two-inch lumber with adequate means for spacing, aligning and securing.
 - (2) Wood or steel shall be held rigidly in place by stakes or braces with top edges at true line and grade given by the engineer. Ends of the adjoining forms shall be flush.
 - (3) The forms shall be set to give the walk a slope toward the curb of 1/4 inch per foot of width.
- C. Division plates.
- (1) Where division plates are used, they shall be of one-eighth-inch steel, as wide as the depth of the slab and as long as the width of the walk.
 - (2) Forms and division plates shall be thoroughly cleaned and oiled each time before they are used.
- D. Subgrade.
- (1) That portion of the ground surface directly beneath the slabs shall be called subgrade. All soft and spongy material in the subgrade shall be removed and replaced with suitable materials to provide proper drainage. Fills shall be compacted in layers not exceeding six inches in thickness. Areas previously compacted by traffic shall be loosened to a depth of six inches. The whole subgrade shall be thoroughly and uniformly compacted to a firm surface having a uniform bearing power.
 - (2) A template, resting upon the side forms and having its lower edge at the exact elevation of the subgrade, shall be drawn along the forms before any concrete is laid. Any high places in the subgrade shall be removed so that the template will pass over without being raised off the side forms or being tipped at an angle to the sidewalk surface.
 - (3) The subgrade shall be damp, but not muddy, when concrete is placed upon it.
- E. Drains. Where, in the opinion of the Superintendent of Buildings, it is considered necessary to save the walk from damage by frost action, drains of four-inch tile shall be laid to the lines and grades given by the Village Engineer.
- F. Dimensions of sidewalks.
- (1) In Dwelling A and B Zones, as provided for in the zoning regulations,³ all sidewalks must be four feet wide, and in the

districts zoned as C Residence, Commercial, Light Manufacturing and Industrial, all sidewalks shall extend from the property line to the curb.

- (2) Sidewalks in areas designated or zoned as commercial, light manufacturing and industrial property shall be at least five inches thick. Sidewalks in all other zoned districts shall be four inches thick, except where otherwise specified.

G. Placing and finishing.

- (1) Freshly mixed concrete shall be placed immediately on the prepared subgrade. It shall then be struck off and tamped with a straight-edge template, resting upon the side forms and advance with a crosswise sawing motion.
- (2) The pouring of concrete shall not be suspended for as long as 30 minutes, except at the end of a slab.
- (3) No concrete shall be placed on a frozen subgrade or when the temperature is, or is predicted by the weather bureau to be within 24 hours, below 35° F., except by permission of the Superintendent of Buildings.

H. Jointing.

- (1) The walk shall be cut into separate rectangular slabs 48 inches square.
- (2) Where division plates have been used, they shall be removed after the concrete has hardened sufficiently to avoid breaking the edges or corners of the slabs.
- (3) The surface edges of each slab shall be rounded to a radius of about 1/4 inch.

I. Expansion joints.

- (1) A full cut joint 1/8 inch to 1/4 inch wide shall be cut every 12 feet to allow for expansion. Division plates during construction of these joints must be of steel and shall be properly aligned to form a ninety-degree angle with the sidewalk forms. They shall be placed as follows:
 - (a) At or near all places where the sidewalk line intersects a curbline or other sidewalk, a one-half-inch expansion joint shall be made at right angles to the center line of the walk.
 - (b) Where the sidewalk fills the space between the curb and the building line, a one-half-inch expansion joint shall be placed

between the curb and the sidewalk and between the sidewalk and the building.

- (c) A one-half-inch expansion joint shall be made across the walk at not more than forty-foot intervals.
 - (d) In the event that a sidewalk is installed or replaced where it will be adjacent to a tree located in the utility strip (the space between the sidewalk and the curb), the flag directly adjacent to the tree and both flags abutting this flag must have expansion joints to provide the flags independence of movement thereby. **[Added 9-19-2011 by L.L. No. 11-2011]**
- (2) The expansion joints are to be filled with bituminous material to 1/2 inch below the surface of the sidewalk. All expansion joints are to run from the subgrade to the surface of the sidewalk.

§ 212-55. Construction procedure for curbs and gutters.

The specifications in this article concerning terms, materials, forms, subgrades, drainage, subbase, mixing, placing, jointing and curing shall govern the construction of curbs and gutters and combined curbs and gutters, except as noted below:

A. Thickness.

- (1) Curbs shall be six inches thick at the top and seven inches at the bottom and at least 18 inches deep. Gutters shall have aprons 18 inches wide and shall be at least six inches thick.
- (2) The combined curb and gutter shall be at least six inches thick, the curb 12 inches high and the apron at least 18 inches wide and six inches thick.
- (3) The cross section of the curbs, gutters or combined curbs and gutters shall be of a design given by the Superintendent of Buildings.

B. Expansion joints. Curbs, gutters and combined curbs and gutters shall be cut into sections not longer than 20 feet and shall be provided with one-half-inch expansion joints every 40 feet and where curves start and end.

§ 212-56. Construction procedure for driveways.

- A. Generally. The provisions of this article, as well as the provisions concerning forms, subgrade, drainage, subbase, mixing, placing finishing, jointing and curing in this article, shall apply to this section.
- B. Thickness and proportions. Concrete driveways from the property line to the curb shall be at least six inches thick.

- C. Driveway and curb cut specifications for noncommercial use.⁴ Each curb cut and driveway for noncommercial use constructed under a permit issued pursuant to this chapter shall be in accordance with the following additional specifications: **[Added 11-17-1980 by L.L. No. 16-1980]**
- (1) Curb cuts for dwellings shall be no greater than 10 feet for one-car access at the curblines.
 - (2) Curb cuts for dwellings shall be no greater than 18 feet for two-car access at the curblines.
 - (3) For corner property, the minimum distance permitted between any curb cut and the property line forming the adjoining street extended to the curblines shall be 25 feet.
 - (4) A minimum distance of 24 inches from side property lines shall be maintained at the curblines for all curb cuts.
 - (5) Curb cuts for connected or U-shaped driveways shall comply with the following requirements:
 - (a) Curb cuts for purposes of connected or U-shaped driveways shall require not less than 75 linear feet minimum frontage on one street or highway.
 - (b) Each connected or U-shaped driveway permitted under this section shall consist of either two ten-foot curb cuts, or one ten-foot curb cut and one eighteen-foot curb cut.
 - (c) A minimum of 30 feet shall be required between curb cuts.
 - (6) An existing curb cut may be supplemented by not more than one additional single-width ten-foot curb cut, provided that the proposed additional curb cut application otherwise meets all other requirements herein.
 - (7) An existing ten-foot curb cut for an attached garage may be widened to an eighteen-foot curb cut when the application otherwise meets all other requirements herein.
- D. Driveway and curb cut specifications for commercial use.¹ Each curb cut and driveway for commercial use constructed under a permit issued pursuant to this chapter shall be constructed in accordance with the following additional specifications: **[Added 11-17-1980 by L.L. No. 16-1980]**
- (1) Normal curb cuts for commercial use shall be not greater than 25 feet at the curblines. However, should the applicant prove a

4. Editor's Note: Drawings of driveway and curb cut specifications are on file in the office of the Village Clerk.

requirement of greater width in order to accommodate larger vehicles, consideration for such greater width may be given.

- (2) For corner property the minimum distance permitted between any commercial-use curb cut and the property line forming the adjoining street extended to the curblines shall be 10 feet.
- (3) A minimum distance of five feet from side property lines shall be maintained at the curblines for all commercial-use curb cuts.
- (4) Commercial-use curb cuts may be supplemented by additional commercial-use curb cuts, provided that all such curb cuts are not less than 25 feet one from the other at the curblines and that the application otherwise meets all other requirements herein.

§ 212-57. Concrete mix required.

A. Proportions and materials.

- (1) Concrete shall be proportioned from portland cement, washed sand and coarse aggregate so as to develop a twenty-eight-day compressive strength of two 2,500 pounds per square inch when tested in accordance with the American Society for Testing Materials C39-49 standard tests.
- (2) The Superintendent of Buildings may direct that samples of the finished work be tested at the contractor's expense, per American Society for Testing and Materials C42-49.
- (3) A one-part cement, two-parts sand, four-parts gravel mix, using standard gravel with a maximum water-cement ratio of 6 1/2 gallons per bag of cement is recommended, and a maximum slump of 4 1/2 inches is permitted. It shall be the responsibility of the contractor to produce concrete of the specified strength. The work shall be protected against rain or other damage until cured.
- (4) If concrete is mixed on the job, it shall be done in an approved batch mixer for a period of not less than 1 1/4 minutes after all the materials including water are in the drum. No dry cement shall be sprinkled on the surface to absorb moisture or stiffen the mix. A twenty-four-hour notice for the inspection of forms shall be given prior to pouring concrete to the Superintendent of Buildings.

B. Mixing.

- (1) The ingredients of the concrete shall be thoroughly mixed until each particle of fine aggregate is coated with cement and each particle of coarse aggregate is coated with mortar.
- (2) Consistency of the mixed concrete shall be such that no separation of the ingredients takes place and some tamping is necessary to bring mortar to the surface.

C. Curing.

- (1) As soon as the concrete has set sufficiently, it shall be sprinkled and kept moist for 48 hours.
- (2) Two-course construction is prohibited.

§ 212-58. Protection of work.

A. Generally.

- (1) All concrete work shall be protected by barricades and shall not be used until sidewalks, curbs, gutters and driveways are completely finished.
- (2) All sidewalks shall be protected by barricades and shall not be used until sidewalks, curbs, gutters and driveways are completely finished and dried and the Superintendent of Buildings gives his approval in writing to use same.

B. Uncured concrete.

- (1) Uncured concrete shall be covered with building paper and salt hay to the thickness of eight inches or more when the United States Weather Bureau forecast indicates nighttime temperatures below 35° F.
- (2) Admixtures will be permitted by the Superintendent of Buildings if a certified and approved admixture to concrete is used as prescribed by the American Society for Testing and Materials.
- (3) Materials for protection of finished concrete shall be on hand prior to pouring concrete.
- (4) Adherence to this subsection and Subsection A shall not relieve the contractor of the responsibility to produce sound concrete of specified strength.

C. Duty of contractor. The contractor shall protect concrete from damage by rain, pedestrians and animals with suitable covers and barricades and by red lights at night.

§ 212-59. Cleaning of site; bond.

- A. Required. All rubbish and materials shall be removed and the site of the work left broom clean.
- B. Escrow deposit to be made. A certified check, payable to the Village, shall be posted with the Village as a bond guaranteeing that the contractor shall remove all debris and leave the site clean. Should the contractor fail to do so, the Village may have the site cleaned and pay the costs therefor from such escrow money.

ARTICLE V

Cleaning of Sidewalks**[Adopted as Secs. 12-3 through 12-5 of the 1967 Code of Ordinances]****§ 212-60. Limitation on transportation of materials that are detrimental to public area.**

No person shall transport, carry or haul over and across any public area in the Village any materials of any kind whatsoever which may leak, spill, emit odors or gases or be scattered upon any public area in the Village.

§ 212-61. Removal of snow and ice. [Amended 4-4-2011 by L.L. No. 4-2011]

- A. The owner or lessee of any premises in the Village shall maintain and keep all abutting sidewalks, including sidewalks to the curb at corners, free and clear of snow and ice from a time not later than two hours after precipitation has ceased during the hours between 9:00 a.m. and 9:00 p.m., and where precipitation ceased after 9:00 p.m., then within two hours after the ensuing 9:00 a.m.
- B. The owner or lessee shall be guilty of a violation where a snow accumulation of two inches or more have not been removed on any such sidewalk as required under the provisions of Subsection A.
- C. Where an owner or lessee is in violation of Subsections A and B with a failure of the required removal of snow and/or ice, a notice may be served by delivery to said owner or lessee or by posting the notice on the front door of the premises by the Superintendent of Department of Buildings or designee stating that:
 - (1) Such snow must be removed within five hours of the date and time of service of said notice;
 - (2) In the event of a failure of compliance with such notice, the Village or its designated contractor will perform such removal of accumulated snow and/or ice;
 - (3) The costs associated with such snow removal will be assessed against the abutting property as an emergency public safety charge; and
 - (4) Said charges will be collected as a real property tax.
- D. In the event of a failure by said abutting premises owner or lessee to comply with said notice, the Village or its contractor will remove said snow and/or ice from said sidewalk, and the costs thereof together with an administrative fee set by the Village Board will be assessed against the property as a real property tax.
- E. Penalties for offenses.

- (1) A violation of this section shall be punishable by a fine of \$250.
- (2) A subsequent violation within one month of a prior violation shall be punished by a fine up to \$500.

§ 212-62. Food and drink.

No person shall expose or place or cause to be exposed or placed any food or drink upon the sidewalks or streets within the Village without permission therefor having first been obtained from the Board of Trustees so to do.

ARTICLE VI
Construction Dumpsters
[Adopted 12-1-1980 by L.L. No. 17-1980]

§ 212-63. Deposit of materials prohibited.

No person shall cause or permit any accumulation of sand, gravel, cinders, topsoil, mud, earth, dirt, filth, waste or rubbish or other materials to be placed, deposited, tracked or flowed upon any Village highway, street, sidewalk or other public place.

§ 212-64. Encroachments; placement of bins or dumpsters.

- A. Within the Incorporated Village of Lynbrook, no person shall cause or permit the encumbering of any highway, street, sidewalk or public place by any encroachment of buildings, structures, excavations or otherwise, except as permitted by Subsection B of this section.
- B. The placement of a trash bin, dumpster or storage bin upon a sidewalk, street, highway or any other public place within the Village of Lynbrook by any person other than agents or employees of the Village is hereby prohibited unless:
- (1) The trash bin, dumpster or storage bin is properly illuminated by reflectorized barricades or by at least one reflector on each side, such reflector to be at least six inches in diameter so that it is visible at night;
 - (2) There is no defect or faulty design in the trash bin, dumpster or storage bin which would create a hazard to the general public, interfere with its operation or inhibit the purpose for which used;
 - (3) The placement of the trash bin, dumpster or storage bin will not block the flow of vehicular or pedestrian traffic, and when any dumpster having a capacity of 10 yards or more is used, the contractor provides protection to the roadway surface;
 - (4) The use of the trash bin, dumpster or storage bin will not create offensive odors or a health hazard, and the dumpster is covered when not in active use;
 - (5) The truck bin, dumpster or storage bin is conspicuously marked with the name and address of its owners; and
 - (6) A permit for the placement of the trash bin, dumpster or storage bin is obtained from the Superintendent of the Building Department pursuant to this article, and evidence of such permit is displayed conspicuously on the premises for which the trash bin, dumpster or storage bin is being used, by means specified by the Superintendent of the Building Department.

- C. This article shall not be construed to prohibit the placement of a trash bin, dumpster or storage bin on private property where such placement is permitted by the provisions of the Code of Ordinances of the Incorporated Village of Lynbrook.

§ 212-65. Application requirements.

An application for a permit pursuant to § 212-64B of this article shall be made on forms approved and made available by the Superintendent of the Building Department. Such an application shall include but not be limited to the following information:

- A. The name and address of the applicant and, if applicable, the name and address of the lessor of the trash bin, dumpster or storage bin.
- B. A description or diagram of the location where he proposes to place the trash bin, dumpster or storage bin.
- C. A description of the trash bin, dumpster or storage bin which the applicant proposes to place on the sidewalk, street or any other public place of the Village, which includes the name of its manufacturer, its capacity and a description of the reflectors required by § 212-64B.
- D. The circumstances necessitating the use of the trash bin, dumpster or storage bin on a sidewalk, street or public place in the Village.
- E. The length of time the applicant plans to place the trash bin, dumpster or storage bin on the site, such a time not exceeding 15 days.

§ 212-66. Permit fee. [Amended 7-15-2005 by L.L. No. 3-2005]

A permit fee in such amount as set by the Board of Trustees is required to be paid before any permit or renewed permit is issued pursuant to this article.

§ 212-67. Insurance.

Each application for a permit authorized under this article shall be accompanied by a policy or certificate of insurance including the applicant and the Village as named insureds and evidencing general liability coverage to protect the Village from claims arising out of bodily injury or property damage sustained as a result of the use of such trash bin, dumpster or a storage bin. Such policy or certificate shall contain limits of at least \$100,000/\$300,000 for bodily injury and \$50,000 for property damage and shall provide at least 30 days' notice of cancellation to be afforded to the Superintendent of the Building Department.

§ 212-68. Permit term.

- A. No permit shall be granted by the Superintendent of the Building Department for a term longer than 15 days; although, for good cause shown, a permit previously issued may be renewed for an additional fifteen-day period.

- B. Upon the expiration of the permit, the permit holder shall remove or cause to be removed the trash bin, dumpster or storage bin from the sidewalk, street or public place.

§ 212-69. Revocation of permit; appeal.

- A. Any permit granted pursuant to § 212-64B(6) of this article may be revoked by the Superintendent of the Building Department if:
 - (1) The permit holder has made any false statements in his application for a permit; or
 - (2) The permit holder fails to conform to the provisions of § 212-64B(1), (2), (3), (4) or (5).
- B. A decision by the Superintendent of the Building Department to revoke any permit issued pursuant to § 212-64B of this article shall be transmitted in writing to the permit holder by certified mail. Such decision shall state clearly the grounds for the revocation.
- C. The permit holder may appeal the revocation to the Board of Trustees of the Village of Lynbrook. An appeal must be filed by the permit holder with the Village Clerk within seven days after the notice of revocation was mailed to him. Such appeal must state in writing the grounds for the appeal. The Village Board shall then set a time and place for the hearing and notify the permit holder in writing at least five days in advance of the hearing by mailing a notice to his last known address. The decision and order of the Village Board shall be final and conclusive.

§ 212-70. Placement of materials near fire hydrants.

No person shall cause or permit the placing of any materials, structures, shrubs or fences, living or otherwise, within 15 feet of a fire hydrant.

§ 212-71. Penalties for offenses.

- A. An offense against the provisions of § 212-64 of this article shall be a violation punishable by a fine of not more than \$100.
- B. Each day's continued violation of § 212-64 of this article shall constitute a separate and distinct violation.