

**CITY OF PORT JERVIS
INTRODUCTORY LOCAL LAW NO. 12 OF 2022**

**A LOCAL LAW AMENDING CHAPTER 464 OF THE CODE OF THE CITY OF PORT
JERVIS ENTITLED “STREETS, SIDEWALKS AND PUBLIC PROPERTY”**

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

Section 1. Statement of Intent

To further the health, safety and general welfare of the public, the Common Council of the City of Port Jervis finds it necessary to amend the City Code to include additional requirements for every permit application issued pursuant to this chapter, including setting a minimum time frame for work to be completed according to such permits as well as a minimum fee for same.

Section 2. Amendment of City Code, Chapter 464.

City of Port Jervis Code, Chapter 464 is hereby amended as follows:

Section 464-3 is hereby repealed and replaced with the following:

§464-3 Permit required to excavate or remove pavement; bond and permit fee; violations.

- A. Permit required; conditions. No person shall, without permission of the Director of Public Works in writing, take up, remove or injure any sidewalk, pavement, bridge, crosswalk or sewer, nor dig any area nor make any excavation in any public street, highway or public place of the City, nor remove any earth or stone therefrom, and any person so doing, by permission or otherwise, shall immediately or upon the expiration of the time limited in such permission, which time limit shall not exceed ten (10) days unless granted an extension for special circumstances which shall be treated as a new permit under this section, restore the same to its original condition, applying and conforming to standards that are customary within the industry or otherwise required by the Director of Public Works, including but not limited to compacting, blacktopping and sealing. Such an area, when so restored, shall be kept in good and safe condition for at least one year thereafter; provided, however, that if the sidewalk taken up or removed is located in the district lighted by the ornamental lighting system, the same shall not be replaced or restored until after such notice to the Director of Public Works as will permit the City to protect the cable connected with the ornamental lighting system by laying the cable in a conduit or otherwise.
- B. Permit Fee & Bond: amount and condition. Any person or entity applying for permission under Subsection A above shall be required to pay a minimum fee of \$50.00 or as such fee is otherwise adopted by a resolution of the Common Council of the City of Port Jervis. The person applying for any such permission shall also file with the City a bond, with a surety or sureties to be approved by the Director of Public Works and City Corporation Counsel, in an amount of not less than \$1,000.00, conditioned to indemnify said City and save the same free and harmless from any claims for or recovery of damages, costs and expenses resulting from the taking up or removing of any sidewalk, pavement, crosswalk or sewer or the making of any excavation in any public street or

public place in said City or by reason of the negligence of the applicant in so disturbing said street, sidewalk or public place.

C. Homeowner Exemption. Any person that is resetting bluestone sidewalk in front of their personal residence shall be exempt from paying the fee and/or posting the bond associated with this Section unless the work associated with such resetting of bluestone shall be in excess of fifteen (15) days from the date that a permit was issued for such work, in which case the violations in Section D shall be assessed against such person and/or homeowner. This exemption shall only apply to bluestone sidewalks and not sidewalks of other materials.

D. Violation of section.

a. Should any permittee pursuant to this Section fail to complete the permitted work within the allotted ten (10) days, and further such permittee not be granted any formal extension pursuant to this Section by the designated City official, the bond in Subsection B above shall be drawn upon in favor of the City and the permittee shall further be fined a total of \$50.00 per day for each and every day after the allotted ten (10) days (or any permissible extension thereof) that the sidewalk work is not completed to the City's standards.

b. It shall be the duty of the Director of Public Works and also of the members of the police force of said City to notify any such person of any violation of this section, and, upon and after such notice, every person who shall, for every 24 hours or part thereof, neglect or refuse to comply therewith shall be subject to the penalty prescribed for violation of this Code; and said Director of Public Works, after the expiration of five days from said notice, shall cause said street, sidewalk or public place to be restored to its original and perfect condition, and the expense thereof shall be a charge against and be collected from the person offending as aforesaid.

Section 3. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.