

Chapter 126

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

General penalties — See Ch. 1, Art. II.

Building construction and fire prevention — See Ch. 48.

ARTICLE I

Street Obstructions and Repairs [Adopted 6-4-1952 by Ord. No. 9]

§ 126-1. Written permission required.

No person shall leave or deposit any material of any kind, for building or other purposes, in any street or public place in the Village of Saddle Rock; or dig or cause to be dug any excavation, trench or other opening in any street or public place in said Village, for any purpose; or dig or remove or cause to be removed from any street thereof sand, gravel, trees or shrubbery; or tear up or injure any pavement, crosswalk, drain sewer or any part thereof; or erect, lay or cause to be erected or laid any telephone, telegraph, electric light or other poles or any drain, conduit or other pipe over, in, upon or under any street or public place in said Village; or move or cause to be moved or assist in moving any building into, along or across any such street or public place; or move or cause to be moved or assist in moving along or across any such street or public place any bulldozer, tractor, earthmoving or similar machine or machines, without first having obtained written permission from the Village Clerk for that purpose, conditioned upon the doing of such work under the supervision of the Village Engineer, upon proper bond, the amount of such bond to be fixed by application to the Board of Trustees, and upon keeping clear at all times a sufficient and safe passageway for pedestrians and vehicular traffic and upon proper guarding of the same, both day and night, so as to prevent accidents or danger.

§ 126-1.1. Permit fee; security; deposits. [Amended 3-6-1996 by L.L. No. 1-1996; 5-1-2002 by L.L. No. 2-2002]

- A. No such permit shall be issued until and unless the applicant desiring the same shall, at the time of such application for permit, pay to the Clerk of the Village the required fee for such permit and deposit with such Clerk a sum in cash, set by resolution of the Board of Trustees from time to time, to guarantee the proper restoration of said street, road, highway or public place to its former condition in accordance with Village requirements, and as set forth in this article. The fee is based on the street opening square footage; for an up to 20 square foot opening, the fee will be \$2,500 for a renovation and \$5,000 for new

construction. For larger openings, the fee will be assessed up incrementally.¹

- B. Restoration and repaving of each such street, highway or public place shall be performed by the permittee in accordance with the provisions of § 126-1.7 of this article, and the directions of the Village Engineer or Building Inspector, including backfilling and temporary pavement surface and permanent new pavement of the highest grade, whether or not the same shall correspond to the replaced pavement, and shall include maintenance thereof for a period of one year to a condition which meets the approval of the Village Engineer or Building Inspector. At the option of the Village, all such restoration and repaving may be done by or at the instance of the Village, under the direction of the Building Inspector or Village Engineer, at the expense of the applicant, at the fair and reasonable charges made by the Village for such work.

§ 126-1.2. Indemnity bond in lieu of deposit. [Added 3-6-1996 by L.L. No. 1-1996]

In lieu of the cash deposit required by § 126-1.1 hereof, the applicant, if such applicant is the owner of real property within the Village abutting the street, highway or public place to be restored or repaved and if the Board of Trustees approves, may execute and deliver to the Village an indemnity bond of a responsible surety company, acceptable to the Board of Trustees, in an amount adequate to cover such cost of restoration or repavement so computed, giving adequate assurance that the cost of such restoration or repavement shall be paid.

§ 126-1.3. Bond for utility corporations or other special districts. [Added 3-6-1996 by L.L. No. 1-1996]

Any public utility or transportation corporation or special district supplying a utility service to persons and properties in the Village, in lieu of the cash deposit required by § 126-1.1 hereof, may execute and deliver to the Village an indemnity bond of a responsible surety company, acceptable to the Board of Trustees, in an amount to be established by resolution of the Board of Trustees, conditioned to cover the cost of all restoration or repavement required under any permits issued to such corporation or district and giving adequate assurance that all such costs will be paid.²

§ 126-1.4. Certificate of insurance. [Added 3-6-1996 by L.L. No. 1-1996]

Each application shall also be accompanied by a certificate of insurance in a form approved by the Village Attorney and issued to the Village by an insurance company authorized to do business in the State of New York. Such certificate shall certify that there is in effect for a period of at least 15 months from the date of such certificate (and continuing until at least 12 months after the date of completion of the work for which the application is submitted), liability insurance in an amount to be determined by the Board of Trustees. The Village of Saddle Rock shall be a named insured or additional insured on such certificate, and the certificate shall indicate that the insurance policy shall not be canceled or nonrenewed without at least 15 days'

1. Editor's Note: The last two sentences of this subsection were added at the request of the Village Board of Trustees.

2. Editor's Note: By resolution of 8-7-2002, the Board of Trustees established the amount of the indemnity bond as \$100,000 for each permit issued to each public utility or transportation corporation or special district to whom one or more permits are issued and outstanding.

prior notice to the Village, in writing. The submission of such an application shall also constitute an agreement on the part of the applicant to indemnify the Village and save the Village harmless from and against all claims, actions and proceedings by any person and any expenses arising from bodily injury or property damage resulting from or occasioned by any fault or default by the Village or the applicant or their employees or agents or by any person to whom the permit is issued or any person acting thereunder.

§ 126-1.5. Refund of case deposits. [Added 3-6-1996 by L.L. No. 1-1996]

The balance, if any, of any cash deposit made as required by this Article which shall remain after the cost thereunder shall have been fully paid and shall be refunded by the Village Treasurer upon resolution of the Board of Trustees. Any cost in excess of such cash deposit or in any excess of the limits of coverage furnished by such a surety bond shall be paid by the applicant.

§ 126-1.6. Conditions of permits. [Added 3-6-1996 by L.L. No. 1-1996]

Any such written permission from the Building Inspector shall be conditioned upon such work or activity being done under the supervision of the Building Inspector or the Building Inspector's designee upon keeping clear at all times a sufficient and safe passageway for pedestrians and vehicular traffic and upon proper guarding of the same both night and day so as to prevent accidents or danger.

§ 126-1.7. Construction specifications. [Added 5-1-2002 by L.L. No. 2-2002]

All such restoration and repaving shall be done in conformity with the specifications and construction details applicable to such restoration and paving done with respect to county roads, unless the Village Engineer directs compliance with other specifications and construction details. In addition to compliance with such requirements, any restoration of pavement shall include restoration of all pavement, in a square or rectangular pattern over an area at least one foot wider on each side than the area required to be disturbed (except where any portion of the area required to be repaired is within one foot of a curb, in which case the restoration shall be to the curb) except where the Board of Trustees provides otherwise upon request of a person to whom a permit has been or may be issued.

§ 126-2. Penalties for offenses.

- A. Any person violating any provision of this Article or who shall fail or neglect to carry out any order or direction given to such person by the Code Official pursuant to this Article shall be guilty of a violation. Each day upon which any such violation shall exist shall be deemed to be a separate violation.³ [Amended 12-2-1987 by L.L. No. 13-1987]
- B. The officers, directors, agents and managers of any corporation violating this Article shall, in addition to the corporation, be subject to the penalties of Subsection A hereof.

ARTICLE II
Curbstones

3. Editor's Note: See Ch. 1, General Provisions, Art. II.

[Adopted 6-4-1952 by Ord. No. 11]

§ 126-3. Damage to streets due to curblines.

No owner, lessee or occupant of lands situate within the Village of Saddle Rock shall suffer, allow, cause or permit the soil of such land or lands to be deposited upon the streets of said Village, nor shall any such owner, lessee or occupant permit the streets or roads in front of or abutting upon any such property to become eroded or undermined or otherwise weakened or damaged for lack of curbstones or become of defective existing curbstones.

§ 126-4. Survey of streets and roads.

The Village Engineer is hereby authorized and directed to conduct a survey of the streets and roads to determine where soil of adjoining or abutting lands has been deposited upon the streets or roads and where the streets or roads have become eroded or undermined or otherwise weakened or damaged for lack of curbstones or because of defective existing curbstones.

§ 126-5. Specifications to be submitted.

The Village Engineer is hereby authorized and directed to prepare and submit to the Board of Trustees specifications for curbstones to correct such deposit of soil upon and such erosion, weakening and damage to the streets or roads within the Village, which specifications, upon being accepted and approved by the Board of Trustees, shall constitute a part of this Article as fully as though herein set forth. Upon acceptance and approval of such specifications, copies of this Article and such specifications shall be sent to all owners, lessees or occupants of land or lands situate within this Village and affected by this Article.

§ 126-6. Maintenance by owner.

The owner or owners of land or lands affected by this Article shall install, repair and maintain curbstones in accordance with such specifications.

§ 126-7. Installation to satisfaction of Engineer.

- A. All of such curbstones shall be installed to the satisfaction of the Village Engineer, who is hereby empowered to give such notices, orders and directions as may be necessary or appropriate to keep such curbstones in a safe condition and a proper state of maintenance and repair.
- B. If the owner of said lands is a nonresident, a notice or order by the Village Engineer mailed to such owner at his or her last known address shall be sufficient service.

§ 126-8. Failure to comply.

If any owner of such land situate in this village and abutting on any public street herein shall fail to install and maintain curbstones in accordance with the orders and directions of the Village Engineer, the Village Engineer is authorized to install and/or maintain and repair such curbstones, and the total costs of installation, as well as the costs of maintenance and repair, shall be assessed against the real property on which or in front of which said work was performed. Such costs shall constitute a lien and charge on the real property on which it is levied until paid

or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.

§ 126-9. Penalties for offenses. [Amended 12-2-1987 by L.L. No. 14-1987]

Every owner of lands who fails to install, maintain or repair curbstones as provided in this Article or who shall fail or neglect to carry out any order or direction given to such owner by the Village Engineer (which term, as used in this Article, shall be synonymous with the "Code Official") shall be guilty of a violation. Each day upon which any such violation shall exist shall be deemed to be a separate violation.

§ 126-10. Word usage.

Wherever the owner, lessee or occupant of lands subject to this Article is a corporation, the word "person," as used generally in this Article, shall include such corporation and its officers, directors, managers and agents.

ARTICLE III
Fences, Walls and Plantings
[Adopted 2-2-1977 by L.L. No. 1-1977]

§ 126-11. Plantings or obstructions. [Amended 7-3-1996 by L.L. No. 3-1996]

- A. Corner lots. It shall be unlawful for any person to install or maintain on a corner lot any hedge or other planting more than 2 1/2 feet in height, measured above street level, or to erect, place or maintain any object or other obstruction of a height in excess of 2 1/2 feet, within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street line. This section shall not prohibit trees presently growing in this area, provided that the branches of the trees are trimmed away to a height of at least six feet above street level.
- B. All lots. Notwithstanding the provisions of Subsection A of this section, no person shall install or maintain any hedge, tree, shrub or other growth or obstruction so as to obscure the view of pedestrians or operators of vehicles and create a dangerous traffic condition.

§ 126-12. Notice of violation.

- A. Whenever the Board of Trustees of the Village of Saddle Rock shall determine that any violation of § 126-11 of this Article exists, a copy of said determination, together with the findings upon which said determination is based (hereinafter called "the notice"), shall be served upon the owner, tenant or occupant of the premises affected.
- B. The notice as provided for above shall be served upon any such owner, tenant or occupant, either personally or by certified mail, return receipt requested. Such notice shall, in addition to requiring the removal of the violation, inform the owner, tenant or occupant of the lands to which it refers that failure to accomplish such removal will result in the removal of such violation under the direction of the Village Engineer.
- C. The notice shall also indicate that, in the event of removal by the village, the cost of such

removal shall forthwith become a lien upon said lands and shall be added to and become a part of the taxes next to be assessed and levied upon the same and shall bear interest at the same rate and shall be collected as in the case of such taxes.

§ 126-13. Failure to comply.

Whenever the owner, tenant or occupant of any lands receiving the notice to remove the violation shall have neglected or refused to remove the violation in the manner and within the time provided herein, such removal shall be accomplished by the village under the direction of the Village Engineer, who, upon completion thereof, shall certify the cost to the Board of Trustees. The Board of Trustees shall examine the certificate and, if the same shall be found to be correct, it shall cause the cost so certified to be charged against said lands. In the event that such costs are found to be excessive, the Board of Trustees shall cause the reasonable costs thereof to be charged against said lands. The amount so charged shall forthwith become a lien upon said lands and shall be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 126-14. Penalties for offenses.

- A. Every owner, tenant or occupant who shall refuse or neglect to remove any violation in the manner and within the time provided in this Article or who shall violate any provision of this Article shall, upon conviction, be punished by a fine not to exceed \$250. A separate offense shall be deemed committed on each day during which a violation occurs or continues.
- B. The imposition and collection of any penalty as provided herein shall not constitute any bar to the right of the village to collect the cost of removal as provided above.

ARTICLE IV

Notice of Defects

[Adopted 3-5-1986 by L.L. No. 1-1986]

§ 126-15. Written notice required.

No civil action shall be maintained against the village for damages or injuries to persons or to property, including those arising from the operation of any mechanical or transportation device or equipment, sustained by reason of any highway, street, crosswalk, bridge, culvert, street marking, sign or device or any other property owned, operated or maintained by the village being defective, out-of-repair, unsafe, dangerous or obstructed, unless written notice of such defective, out-of-repair, unsafe, dangerous or obstructed condition of such highway, street, crosswalk, bridge, culvert, street marking, sign or device or any other property owned, operated or maintained by the village was actually given to the Village Clerk and there was a failure or neglect, within a reasonable time after the giving of such notice, to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, street, bridge, culvert or any other property owned by the village, unless written notice thereof specifying the particular place was actually given to the Village Clerk and there was failure or neglect to cause such snow or ice to be removed or to make the place otherwise

reasonably safe within a reasonable time after the receipt of such notice.

§ 126-16. Records to be kept.

The Village Clerk shall keep an index record, in a separate book, of all written notices that the Village Clerk shall receive of the existence of a defective, out-of-repair, unsafe, dangerous or obstructed condition in or upon any highway, street, crosswalk, bridge, culvert, street marking, sign or device or any other property owned, operated or maintained by the village or of any accumulation of snow or ice thereon, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five years from the date it is received, and, upon receipt of any notice, the Village Clerk shall notify the Mayor forthwith.

§ 126-17. Interpretation of provisions.

Nothing contained in this Article shall be held to repeal or modify or waive any existing requirement or statute of limitations that is applicable to these causes of action, but, on the contrary, the provisions hereof shall be held to be additional requirements to the right to maintain any such action. Nothing herein contained shall be held to modify any existing rule of law relative to the question of contributory negligence or to impose upon the village and its officers and employees any greater duty or obligation than is otherwise presently imposed on the village with respect to the maintenance of any highway, street, crosswalk, bridge, culvert, street marking, sign or device or any other property owned, operated or maintained by the village.

ARTICLE V
Curb Cuts, Sidewalks and Driveways
[Adopted 11-1-1989 as part of L.L. No. 6-1989]

§ 126-18. through 126-19. (Reserved)

§ 126-20. Permit required.

No person shall begin to construct, reconstruct, alter or grade any sidewalk, curb cut or driveway without first obtaining a permit from the Building Inspector as provided by this Article. This requirement shall not be applicable to work proposed to be done by or on behalf of the Village of Saddle Rock.

§ 126-21. Application.

An applicant for a permit hereunder shall file with the Building Inspector an application showing:

- A. The name and address of the owners or agent in charge of the property abutting the proposed work area.
- B. The name and address of the party doing the work.
- C. The location of the work area.

- D. Attached plans showing details of the proposed work.
- E. The estimated cost of the work.
- F. A plot plan and a plan which shall indicate the location, elevation, area, size, parking layout, drainage facilities and opening from the lot to any street, road or thoroughfare.
- G. The construction materials to be used and the intended form of construction.
- H. A driveway plan which shall indicate the location, area and size of any and all portions of the driveway wherein more than one surface material is to be used in and on said driveway. Such an application shall also be accompanied by a plan which shall indicate the location, elevation, area and openings, if any, of any existing driveway upon said lot.
- I. Such information as the Building Inspector shall find reasonably necessary to the determination of whether a permit should issue hereunder.

§ 126-22. Fees.

The applicant shall pay the fees required by law. The fees shall accompany an application for a permit hereunder.

§ 126-23. (Reserved)

§ 126-24. Standards for issuance of permit.

The Building Inspector shall issue a permit hereunder when he finds that:

- A. The plans for the proposed work are satisfactory and conform to the standard specifications of the village for work of like character.
- B. The work will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces and the means of ingress and egress to and from the property affected and adjacent properties.
- C. The health, welfare and safety of the public will not be unreasonably impaired.

§ 126-25. Alteration of curb cuts.

- A. Where the use, convenience and necessity of the public require, the Building Inspector shall have the authority to order the owners or agents in charge of property where a curb cut is maintained to alter the curb cut in such manner as he shall find reasonably necessary under the circumstances.
- B. Notice of alteration order. The notice required by this section shall require compliance by the permittee within a reasonable period of time specified in said notice, be in writing and be served upon such person by personal delivery or by certified mail.

§ 126-26. Additional regulations.

In addition to any other requirements of this Article, or any other applicable law, the following additional regulations shall be applicable to any work for which a permit is required by this

Article:

- A. No more than one curb cut or driveway opening shall be permitted per residential lot. A curb cut or driveway opening shall not exceed 20 feet in width at the intersection with any street, road or thoroughfare. Any curb cut or driveway opening upon any building lot must be part of the driveway on said lot and be the means of exit and entrance to and from the driveway and a garage on said lot.
- B. The driveway at the curb or driveway opening must be able to accommodate a vehicle so that it may be parked and/or stopped in the driveway without extending to any degree beyond the curb cut or driveway opening on and/or into any street, road or thoroughfare. The minimum area for any driveway located on and within any building lot outside of any garage located thereon shall be nine feet by 24 feet.
- C. The angle of a driveway at its opening to any street, road or thoroughfare for the length of 10 feet into said lot from the street, road or thoroughfare to which it opens shall be as close to 90° as is practicable.
- D. A driveway shall be so constructed to assure that all runoff of water from said driveway or from gutters and leaders which channel water onto a driveway will flow into drainage facilities as hereinafter provided. Driveways shall not be constructed or altered so as to convey surface water onto or into any street, road or thoroughfare. The Code Official may require drainage facilities to be installed as may be appropriate, as part of any driveway construction or alteration, to prevent damage to public facilities or property by reason of water runoff from said driveway.
- E. Unless otherwise prohibited by the existence of driveways or other structures, including garages located upon a lot, no curb cut or driveway opening shall be constructed or altered to be located on the side of any such building lot which abuts or adjoins another lot where there exists a curb cut upon such adjoining or abutting lot located within 35 feet of the curb cut or driveway opening proposed to be constructed or altered. No driveway, curb cut or driveway opening shall extend into any side yard.
- F. No driveway shall be constructed or altered to be more than 20 feet in width along its length from the curb cut or driveway opening into the yard in which it lies or the yard in which it is to be located on said lot. No driveway or parking area thereof shall be constructed within or on any village property or easement except as provided herein. A driveway shall not be constructed or altered to contain a separate but connected parking area as part of said driveway at any point or points along its length which shall exceed an area of 18 feet by 23 feet beyond the average width of the driveway.
- G. All existing and proposed drainage facilities shall comply with the provisions of this Article and shall be so constructed so that no damage will occur to existing and/or proposed buildings, driveways, adjacent properties, drainage facilities, public improvements, streets, roads and thoroughfares. Catch basins and/or dry wells shall conform to the applicable building codes.
- H. The permittee shall bear all costs of construction and/or alteration of the driveway and curb cut or driveway opening. The permittee shall bear all costs of repair to curbstones or any public street, road or thoroughfare occasioned or caused by the construction, alteration

and/or maintenance of a driveway.

- I. The Board of Appeals may grant variances of the provisions of this section, in the same manner as provided for variances of Chapter 150 of this Code.

§ 126-27. Maintenance of driveways, curb cuts and driveway openings.

Driveways, curb cuts and driveway openings shall be maintained at the sole cost and expense of the owner or owners of land or lands upon which the same exist. Such owner or owners of said land shall maintain said driveway, curb cut and driveway opening at all times in a manner which will not damage or cause disrepair to any street, road, thoroughfare, village property, easement and/or right-of-way. Trees, shrubbery and other landscape plantings shall be trimmed to maintain the exit and entrance from and to the driveway in such a manner as to maintain optimal and safe sight distance in all directions for safe exit from and entrance to the driveway.

§ 126-28. Previously existing driveways, curb cuts and driveway openings.

This Article shall not affect or prohibit the maintenance, repair or continuation of any paved, masonry or stone covered driveway, curb cut or driveway opening as existing on the effective date of this Article, provided that the same is maintained in a condition of repair as required by this Article.

§ 126-29. Maintenance of private roads.

All private roads shall be maintained under the same conditions applicable to driveways pursuant to this Article for a distance of not less than 25 feet from the point where such private road abuts a public road.

§ 126-30. Specifications.

The location, size, grade, drainage facilities, construction material, design and means and methods of construction or alterations of any curb cut, driveway opening and/or driveway upon any village property or within any village easement or right-of-way shall be specified by the Building Inspector as may be necessary or appropriate to keep such curb cut, driveway opening and/or driveway and the street, road or thoroughfare with which it intersects and/or the property or easement of the village in a safe condition and a proper state of maintenance and repair and to avoid damage to the public. The Board of Appeals may grant variances of the provisions of this section, in the same manner as provided for variances of Chapter 150 of this Code.

§ 126-31. Penalties for offenses; enforcement.

In addition to any other penalties provided by law, the provisions of § 126-13 of this Code shall be applicable to violations of this Article.

ARTICLE VI
Repair, Maintenance and Cleaning of Sidewalks and Curbs
[Adopted 3-6-1996 as part of L.L. No. 1-1996]

§ 126-32. Snow and ice removal; maintenance of sidewalks.

Every person owning or occupying or being entitled to the possession of any real property in the village having a sidewalk on such property or in a right-of-way adjoining such property shall keep said sidewalks free from obstruction from snow or ice and shall, within 24 hours after said snow or ice have fallen to the ground, remove the same, and shall also at all times keep said sidewalks in good and safe repair and clean and free from dirt, filth and weeds or other obstructions and encumbrances.

§ 126-33. Regulation by Village Board.

The Board of Trustees may from time to time by resolution require the construction, repair or maintenance of sidewalks or curbs along streets and roads in the Village of Saddle Rock at the expense of the owner or owners of the private property on which or adjacent to which such sidewalks or curbs are located or are to be located, upon such notice and pursuant to the authority or requirements of the Village Law of the State of New York.

§ 126-34. Construction requirements.

No sidewalk, curb or gutter shall be constructed or permitted to be constructed along any street, road or highway in the village unless such construction shall be in conformity with all of the specifications and requirements established by rules and regulations of the Board of Trustees.

§ 126-35. New development.

All sidewalks, curbs, gutters or driveways constructed on any privately owned street or highway of a new development shall be subject to this chapter and shall comply in all respects with the regulations applicable to streets, the title to which is vested in the village. Failure to comply with these requirements shall constitute sufficient cause for the village to reject any proffered dedication of such streets.

§ 126-36. Trees.

No trees shall be planted within a right-of-way or within the area between any sidewalk and the paved portion of a right-of-way, except trees whose root systems normally will not cause damage to sidewalks, curbs or utility installations. Trees of the following varieties only may be planted: sugar maple (*Acer saccharum*), tree of heaven (*Ailanthus*), northern red oak (*Quercus borealis*), scarlet oak (*Quercus coccinea*), pin oak (*Quercus palustris*), American linden (*Tilia Americana*), silver linden (*Tilia tomentosa*), moraine honey locust (*Gleditsia tricanthos*), moraine flowering dogwood (*Cornus florida*), red flowering dogwood (*Cornus florida rubra*), Japanese dogwood (*Cornus kousa*), goldenrain (*Koelreuteria paniculata*), sourwood (*Oxydendrum arboreum*), eastern plane (*Platanus orientalis*) and flowering ash (*Fraxinus ornus*).

§ 126-37. Contents of order.

Whenever the Board of Trustees adopts an order directing the owner of real property on or adjacent to which it is desired that sidewalks be built, relaid or repaired to construct the same in accordance with this chapter, the Board of Trustees shall specify the place, manner and time within which such construction or repair shall be done, which time shall not be less than 48 hours.

§ 126-38. Service of notice.

The Village Clerk shall publish a notice of any such order in the official newspaper at least twice. The first such publication shall be at least 15 days before the time specified for the completion of the work. However, in lieu of such publication, a copy of such notice may be served by certified mail, return receipt requested, upon the owner of the real property on or adjacent to which such construction or repair shall be done.

§ 126-39. Failure to comply.

Whenever a notice issued pursuant to this Article has been served as provided herein and the person to whom such notice is directed does not cause the construction or repair to be made to the sidewalk as required by the notice, the Building Inspector is hereby authorized and directed to cause the construction and repair to be made as required by the notice.

§ 126-40. Reimbursement.

The village shall be reimbursed for the actual and necessary cost of building, relaying or repairing any sidewalk on or adjacent to or adjoining any property when such work is required by this Article. Such reimbursement shall be made by assessment upon and collection from such properties or parcels of land deemed to be benefited by such construction or repair, such costs to be assessed and collected upon and from each such lot or lots as shall be in proportion to the amount of benefit which the improvement shall confer upon the same, which amounts shall be assessed and collected in the same manner and at the same time as other village taxes upon real property.