

## 3. MUNICIPAL CODES

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### 3.1. Issue Area

As publicly owned thoroughfares that traverse what many property owners think of as their front yards, sidewalks can be legally complicated. Sidewalks are often publicly constructed and are frequently located in the public right-of-way, but in many cases they are maintained by a private property owner.<sup>1</sup> Questions of liability, construction or replacement costs, and responsibility for snow clearance can all be answered (or left unclear) through the wording of the city, town or village's ordinances.

### 3.2. Local Ordinance Inventory

#### 3.2.1 Introduction

Of the 42 individual governments in the Study Area, 36 have some form of ordinance pertaining to sidewalks. Regulations of this kind generally serve two purposes: to define the duties of the individual property owner (particularly as compared to and contrasted with those of the municipality), and to define how and where sidewalks should be constructed. Appendix B is a compilation of excerpts from local ordinances pertaining to sidewalks.

Eighty-five percent of the local governments in the Study Area have ordinances pertaining to sidewalks.

Many of the municipalities in the Study Area have regulations that describe the property owner's obligations, versus those of the municipality, when it comes to sidewalk maintenance. These regulations sometimes specify that the municipality is not liable for sidewalk conditions or for any accidents that occur as a result of sidewalk conditions. Additionally, sidewalk ordinances often include specifications on where and how new sidewalks should be built.

#### 3.2.2 Inventory Methodology

The municipal ordinance review for this project involved a combination of reviewing online resources, such as "e-codes" accessed through municipal web sites, and contacting individual towns and villages, as well as the Onondaga Nation, to determine what their offices had on file under the category of

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<sup>1</sup> <sup>1</sup> Terms like "often," "generally" and "usually" are used throughout this guide as reminder that the facts surrounding the construction and maintenance of any given block of sidewalk can vary. Some are constructed by a private entity like a developer, others are built by a municipality, such as a village, and still others are built during roadway construction or reconstruction by a department of transportation. In New York, maintenance practices and responsibilities vary by community, as defined by local ordinance.

**Table 3.1(a) – Summary of municipal ordinances related to sidewalks or pedestrian facilities**

	City of Syracuse	Town of Camillus	Town of Cicero	Town of Clay	Town of DeWitt	Town of Geddes	Town of Hastings	Town of LaFayette	Town of Lysander	Town of Manlius	Town of Marcellus	Town of Onondaga	Town of Pompey	Town of Salina	Town of Skaneateles	Town of Spafford	Town of Tully	Town of Van Buren	Town of West Monroe
<b>Liability:</b> Prior Written Notice		Y	Y	Y	Y	Y			Y	Y		Y		Y	Y		Y	Y	
<b>Liability:</b> Explicit to owner				Y								Y		Y					
<b>Maintenance:</b> Required Upkeep	Y	Y	Y	Y		Y						Y		Y	Y		Y	Y	Y
<b>Maintenance:</b> Clear snow & ice	Y			Y		Y						Y		Y	Y			Y	
<b>Maintenance:</b> Penalty	Y	Y	Y	Y		Y						Y							
<b>Planning:</b> Arterial/Subdivision		Y	Y	Y	Y			Y	Y	Y	Y		Y	Y			Y		Y
<b>Planning:</b> Mobile Home Parks/Courts			Y	Y			Y		Y						Y				Y
<b>Planning:</b> Long block considerations		Y							Y										
<b>Planning:</b> Specific Zone(s)	Y				Y		Y					Y				Y			
<b>Planning:</b> Local authority reserved	Y			Y	Y			Y	Y	Y	Y		Y	Y	Y	Y			Y
<b>Design:</b> Width			Y	Y	Y		Y	Y	Y			Y	Y		Y				Y
<b>Design:</b> Material	Y		Y		Y		Y	Y	Y			Y			Y				Y
<b>Design:</b> ADA/Accessibility	Y				Y						Y								

*Note: no code specific to sidewalks could be found for the Onondaga Nation Territory or for the Towns of Elbridge, Fabius, Otisco, Schroepfel, or Sullivan.*

**Table 3.1(b) – Summary of municipal ordinances related to sidewalks or pedestrian facilities**

	Village of Baldwinsville	Village of Camillus	Village of C. Square	Village of Chittenango	Village of E. Syracuse	Village of Elbridge	Village of Fabius	Village of Fayetteville	Village of Jordan	Village of Liverpool	Village of Manlius	Village of Marcellus	Village of Minoa	Village of N. Syracuse	Village of Phoenix	Village of Skaneateles	Village of Solway	Village of Tully
<b>Liability:</b> Prior Written Notice		Y						Y		Y		Y	Y	Y	Y	Y	Y	
<b>Liability:</b> Explicit to owner	Y														Y			Y
<b>Maintenance:</b> Required Upkeep	Y	Y			Y			Y		Y	Y	Y	Y		Y	Y	Y	Y
<b>Maintenance:</b> Clear snow & ice	Y	Y		Y	Y			Y		Y	Y	Y	Y		Y	Y		Y
<b>Maintenance:</b> Penalty	Y	Y		Y	Y			Y		Y	Y	Y			Y	Y	Y	Y
<b>Planning:</b> Arterial/Subdivision			Y	Y		Y	Y	Y		Y			Y	Y				
<b>Planning:</b> Mobile Home Parks/Courts																		
<b>Planning:</b> Long block considerations						Y												
<b>Planning:</b> Specific Zone(s)				Y		Y	Y	Y		Y				Y				
<b>Planning:</b> Local authority reserved			Y	Y		Y	Y	Y	Y	Y		Y		Y				
<b>Design:</b> Width			Y		Y	Y	Y	Y	Y	Y								
<b>Design:</b> Material	Y	Y			Y	Y	Y		Y	Y					Y			
<b>Design:</b> ADA/Accessibility																		

*Note: no code specific to sidewalks could be found for the Onondaga Nation Territory or for the Towns of Elbridge, Fabius, Otisco, Schroepfel, or Sullivan.*

sidewalks or sidewalk ordinances. In two cases, this involved SMTC staff visiting municipal offices to obtain the appropriate code section.

Five towns and the Onondaga Nation reported not having any codes or ordinances relevant to sidewalks. One town, Otisco, reported having no zoning code.

No municipal legal officials were contacted during the collection of these ordinances: this inventory relies on online resources and the input of clerks' offices and code enforcement officers. As such, it reflects the local ordinances with which local officials are most likely to be familiar. It is possible that additional regulations exist elsewhere.

### 3.2.3 Local Ordinances - Major Elements

Local sidewalk ordinances can be broken into four major subject areas: liability, maintenance, sidewalk planning and facility design. Every ordinance in the Study Area does not address all four of these subject areas. Refer to Table 3.1 to identify the municipalities being enumerated in the text below.

#### *Liability*

##### PRIOR WRITTEN NOTICE

Sixty percent of the municipalities in the Study Area that have a sidewalk ordinance have adopted some form of prior written notice ordinance. See [Chapter 2](#) for more information on [Prior Written Notice](#) ordinances.

##### LIABILITY – EXPLICIT TO OWNER

Five municipalities in the Study Area have specific language in their sidewalk ordinances stating that it is the owner of the property adjacent to a sidewalk who is responsible for sidewalk maintenance and who will be held liable for injuries sustained to sidewalk users, not the municipality. For example, the Village of Tully's Code, Section 94-11, states:

Notwithstanding any other provision of law, the owner of real property adjoining any sidewalk, or the agent or occupant to whom the owner has delegated responsibility, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner, agent, or occupant to maintain such sidewalk in a reasonably safe condition.

This code section goes on to say that the Village itself "shall not be liable" for injuries that result from improper maintenance of sidewalks.

Local ordinances cover four main subjects related to sidewalks:

- Liability
- Maintenance
- Planning
- Facility design

## Maintenance

### REQUIRED UPKEEP

New York State’s Property Maintenance Code, Section 302, specifies that property owners have an obligation to maintain the exterior of their property. *Section 302.3, Sidewalks and Driveways*, states: “All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.”

Over half of the sidewalk ordinances in the Study Area either reiterate this obligation or enlarge upon it, placing the responsibility for sidewalk upkeep on property owners. The Village of Minoa, for example, requires property owners to repair or otherwise eliminate “ground surface hazards or unsanitary conditions such as holes, excavations, breaks, projections, objections and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas.”

Twenty-three municipalities in the Study Area place the responsibility for sidewalk maintenance on property owners; 18 specify that the owner is responsible for snow and ice clearance.

### CLEAR SNOW & ICE

Half of the municipalities in the Study Area that have sidewalk ordinances, including the City of Syracuse, have ordinances specifying that it is the property owner’s responsibility to clear ice and snow from sidewalks on their property. These ordinances vary widely in detail. Some, like the Town of Clay’s, simply specify that the property owner is responsible for snow removal and would be liable if someone were to be injured on a snowy sidewalk:

The owner or occupant of lands fronting or abutting on any street in the Town of Clay shall maintain and repair the sidewalks adjoining said lands and keep the sidewalk free from obstruction, including snow and ice. Such owner or occupant shall be liable for any injury or damage by reason of omission, failure or negligence to maintain or repair such sidewalks or to keep them free of obstructions, including snow and ice. *Chapter 197, Article II, Number 197-5*

Others, like ordinances in the City of Syracuse and the Town of Onondaga, specify a timeframe for snow removal. In the City, it is 6 p.m. of the day following accumulation of snow. In the Town of Onondaga, it is 12 hours following the “cessation of snowfall”.

### PENALTY

Just under half of the municipalities that have sidewalk ordinances institute some form of penalty for non-compliance with the ordinance. In most cases, this penalty can be construed as a fee for services: if the municipality fixes or cleans the sidewalk after the property owner fails to respond to written

requests to take action, then the property owner pays the municipality its repair or cleaning costs. In the Village of East Syracuse, the payment can include an additional 25 percent fee. In most cases, these fees can be rolled onto the property's tax assessment and are paid over time. Some municipalities, such as the City of Syracuse, specify a rate of interest (seven percent in the city) that is applied to any costs rolled onto the property's assessment.

Many municipalities retain the right to levy a fine, without spelling out the particulars in their ordinance. The Village of East Syracuse's ordinance, for example, states that "Any one violating this Part shall be subject to a fine set by resolution of the Village Board." (*Village of East Syracuse Municipal Code, Section 341.42*)

Table 3.2 summarizes penalties as described in local ordinances.

## Planning

### ARTERIAL/SUBDIVISION

In many cases, local municipalities' subdivision regulations specify that sidewalks are either necessary or can be required by local authorities in new subdivisions.

Frequently, the trigger for considering sidewalks is the presence of an adjacent arterial street. The Town of Camillus' Subdivision Regulations, for example, state that: "Where the subdivision abuts or fronts on arterial streets, sidewalks may be required and shall be of size and type as approved by the Planning Board." (*Town of Camillus Subdivision Regulations, Section 39.31*) This ordinance is typical, in that it leaves the ultimate decision with the municipality.

### MOBILE HOME PARKS/COURTS

Characterized by high population densities (relative to their rural or suburban surroundings) and relatively low automobile traffic, mobile home parks represent an opportunity for a pedestrian-friendly environment. Amenities within or adjacent to the mobile home park, such as a community center, laundry room, bus stop or mailboxes, are likely to be within a short walk from most homes in the park.

Recognizing this, six of the towns in the Study Area have ordinances that require or encourage the use of paved walkways within mobile home parks. The Town of Lysander's code devotes a chapter to Mobile Home Parks, including the following:

All mobile home parks shall provide safe, convenient, pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents.  
*Chapter 91, Section 16, Part A*

**Table 3.2 – Penalties for failure to comply with municipal ordinances**

<i><b>Municipality</b></i>	<i><b>Condition</b></i>	<i><b>Penalty</b></i>
<b>City of Syracuse</b>	Obstructions or defects in sidewalks, as reported to the Public Works Commissioner by the Police Department	Costs + 7% interest
<b>Town of Camillus</b>	Failure to remedy Uniform Code violation	Max. \$250 fine and/or 15 days in jail for each violation
<b>Town of Cicero</b>	Failure to comply with Zoning Officer’s order	Max. \$250 fine or 30 days in jail for each week of violation
<b>Town of Clay</b>	Violation of any chapter, rule or regulation in the Code	Max. \$250 fine or 15 days in jail or both
<b>Town of Geddes</b>	Any violation of an ordinance in Chapter 185, Streets and Sidewalks	Max. \$250 fine or 15 days in jail or both
<b>Town of Onondaga</b>	Any violation of snow & ice removal article (e.g., failure to remove snow and ice)	Reimbursement of Town’s snow/ice removal costs; max. \$250 fine and/or 15 days in jail
<b>Village of Baldwinsville</b>	Any violation of specific sections of Streets and Sidewalks code, including snow and ice removal	Reimbursement of Village’s snow removal costs; max. \$50 fine for each day a violation exists
<b>Village of Camillus</b>	Failure to remove snow and ice within a reasonable time following written notice by the Village	Reimbursement of Village’s snow removal costs; max. fine of \$250 and/or 15 days in jail
<b>Village of Chittenango</b>	Any violation of sections of Streets and Sidewalks code, including snow and ice removal	Max. \$250 fine or 15 days in jail or both
<b>Village of East Syracuse</b>	Any violation of the Public Pedestrian Thoroughfare ordinances	Fine set by resolution of Village Board; reimbursement of Village’s costs to do work plus 25%
<b>Village of Fayetteville</b>	Failure to keep sidewalks clear of grass, weeds, snow and ice	Reimbursement of Village’s weed, grass, snow or ice removal costs
<b>Village of Liverpool</b>	Damage to sidewalk resulting from neglect or carelessness of adjacent property owner	Reimbursement of Village’s repair costs
<b>Village of Manlius</b>	Any code violation	Max. \$250 fine and/or 15 days in jail
<b>Village of Marcellus</b>	Failure to keep sidewalks clean and free from rubbish, obstructions, snow & ice	Reimbursement of Village’s sidewalk clearing expenses
<b>Village of Phoenix</b>	Failure to remove snow and ice within 24 hours after snowfall / within 24 hours of being notified in writing to remove snow/ice	Reimbursement of Village’s sidewalk clearing expenses; general violations of Sidewalk ordinance are punishable by a fine of \$50 for each day a violation exists
<b>Village of Skaneateles</b>	Failure to maintain sidewalk	Reimbursement of Village’s costs
<b>Village of Solway</b>	Any violation of Streets and Sidewalks ordinance	Max. \$250 fine and/or 15 days in jail
<b>Village of Tully</b>	Failure to remove snow within 24 hours after snowfall /or within 4 hours of notice to remove snow	Cost of Village’s labor, equipment and material costs; violations of ordinance are punishable by a \$500 fine for each day of continued violation; Village reserves right to “institute any action ... to compel compliance”

# 3. MUNICIPAL CODES

## LONG BLOCK CONSIDERATIONS

The Towns of Camillus and Lysander provide specifications for mid-block crossings of long blocks (Camillus defines this as a block over 800 feet long; the Town of Lysander refers to “exceptionally long blocks”) to provide pedestrian access to schools, parks and shopping centers.

The Village of Elbridge includes in its Subdivision Ordinance a provision to allow walkways that connect through blocks that are more than 600 feet long, particularly in order to provide access to schools, playgrounds or shopping centers.

## SPECIFIC ZONES

Local ordinances vary in their approaches to matching up sidewalks and/or walkways to specific land uses.

The Town of Spafford’s Site Plan Review code, for example, states that sidewalks should be included in site plans for development on lots within 1,000 feet of a school, park or residential concentration. (This code section notwithstanding, the sidewalk inventory carried out for this project did not identify any sidewalks in the Town of Spafford.)

Similarly, the Village of Elbridge’s Subdivision Code states that sidewalks may be required if a sidewalk segment would link “pedestrian generators,” would continue a walk on an existing street, or would link areas of probable future development, as outlined in the Village’s Master Plan.

In the Town of Hastings, sidewalks (and street trees) are required adjacent to multi-family homes and nonresidential uses in specific zoning districts.

The Village of Liverpool’s Zoning Code is explicit in associating sidewalks to community character. It states that single-family, two-family and multiple-family residential districts “should exemplify the peace and quiet of our traditional, walkable, friendly neighborhoods and be interconnected by a well-maintained system of sidewalks that enhance the traditional Village character of this area.”

## LOCAL AUTHORITY RESERVED

More than half of the municipalities in the Study Area that have sidewalk ordinances include language similar to the following (from the Village of Jordan’s code): “Sidewalks shall be installed on one or both sides of a street or road **as the Board may require**, depending on local conditions or public safety.” (*Subdivision Regulations, Section C, Part 1*)[*Emphasis added*]

Local ordinances typically delegate the final decision about sidewalk placement and design to a local board or municipal official (such as a Planning Board or Town Engineer).



These local ordinances leave the final decisions on sidewalk placement and design up to a decision-making body, such as a Planning Board, or up to an engineer, such as Public Works Director, or both. These clauses provide flexibility in dealing with unusual site conditions and other unforeseeable situations.

## Design

### WIDTH AND MATERIALS

Not all sidewalk ordinances include specifications describing what a sidewalk should look like or how wide it should be. In many cases, the ordinance refers the reader to the Town Engineer, Public Works Director or Planning Board for these details. Typically, when width and material requirements are specified, sidewalks are to be four feet wide and made of concrete. Width can vary depending on context: wider (five feet) in industrial or commercial areas or, as in the case of the Village of Elbridge, near pedestrian generators like schools. Alternate materials such as brick or crushed stone are identified as options in the Village of Elbridge's code. In no cases do local sidewalk ordinances mention the use of porous pavement.

In many cases, sidewalk specifications are provided in the subdivision regulations, rather than the general ordinances on streets and sidewalks (where, for example, maintenance requirements are spelled out). This may suggest that the existing sidewalk network is perceived as needing maintenance rather than completion, while new development presents an opportunity for creating a new pedestrian network.

No local ordinances currently address the use of porous pavement in sidewalks.

## Unique Elements

While local ordinances share a common set of core characteristics, they have evolved over time to suit the needs and preferences of individual communities. The following is by no means a comprehensive accounting of local ordinances' unique elements, but may be helpful in understanding the level of variability available to towns and villages interested in modifying their ordinances.

### CITY OF SYRACUSE

The City's code includes the details of how individual property owners are assessed for sidewalk construction costs. The City's code also includes a section on Special Assessment improvements that can be made upon petition from abutting property owners. Under this regulation, if the owners of at least a third of the property fronting on a street petition for new or reconstructed sidewalks, the City will construct it and assess property owners for the costs.

**Table 3.3 – Sidewalk Material and Width Specifications from Municipal Ordinances**

<i>Municipality</i>	<i>Width</i>	<i>Material</i>	<i>Specifications apply to...</i>	<i>Notes/other details</i>
City of Syracuse	n/a	Concrete	Residential areas	Required as of 9/1/03
Town of Cicero	4'	Concrete	Along arterial Streets (Subdivision Ordinance)	Brewerton Rd. Corridor Regulating Plan also requires sidewalks in Brewerton's Downtown Core District
Town of Clay	2'	n/a	Walkways - Mobile home parks	
Town of DeWitt	5'	Concrete, modular unit pavers	Parking lot walkway - Off-Street Parking	Applies within Hamlet Districts
Town of Hastings	4' / 5'	Hard surfaced	Within / external to mobile home parks	
Town of LaFayette	4' / 5'	Concrete or other approved material	Residential / Commercial areas	
Town of Lysander	4' / 2'	Concrete: 3,000 pound min. strength	Common walks / private walks – Mobile home parks	Source: Subdivision Ordinance
Town of Onondaga	5'	Various materials, colors and textures	Walkways - West Seneca Turnpike corridor	
Town of Pompey	4'	n/a	Along arterial Streets	Source: Subdivision Ordinance
Town of Skaneateles	3' / 2'	Smooth, hard, paved surface	Common walks / private walks – Mobile home parks	
Town of West Monroe	4' / 5'	Concrete or other approved material	Residential / Commercial Areas	Source: Subdivision Ordinance
Village of Baldwinsville	n/a	Concrete		Superintendent of Public Works establishes specifications
Village of Camillus	n/a	Concrete		
Village of Central Square	4'	n/a	Subdivision Ordinance	
Village of East Syracuse	n/a	Concrete		
Village of Elbridge	4' / 5'	Class C Concrete	Wider near "pedestrian generators" and employment centers; 5' when sidewalk is adjacent to curb (Subdivision Ordinance)	4,500 pounds min. strength ; Gravel, crushed stone, brick, etc., may be permitted
Village of Fabius	4' / 5'	Concrete	Residential / Commercial Areas	Other materials, as approved (Source: Subdivision Ordinance)
Village of Fayetteville	4'	n/a	Along arterial Streets	Source: Subdivision Ordinance
Village of Jordan	4'	Concrete		3,000 pounds min. strength, 1-2-4 mix (Source: Subdivision Ordinance)
Village of Liverpool	4'	Portland Cement Concrete		Detailed specs in sidewalk ordinance
Village of Phoenix	n/a	Concrete	n/a	

# 3. MUNICIPAL CODES

## TOWN OF CICERO

Like several other municipalities, the Town of Cicero specifies that in new subdivisions, sidewalks will be provided along arterial streets. The size and type of sidewalk is left up to the Town’s discretion.

It should also be noted that the summary provided in Table 3.2 does not include the language from the Town of Cicero’s Zoning Code (Article XIII) that provides streetscape specifications and lot standards for Route 11 in Brewerton. This code section applies to the portion of Route 11 (Brewerton Road) from Bennett Street, adjacent to Oneida Lake, to Orangeport Road to the south. One of the objectives of the development of regulations for this corridor is to “create a public realm conducive to pedestrian activity.” This includes the following characteristics in the Downtown Core District (Brewerton Road between Bennett and Jerome Streets):

- 1.) Two- to four-story buildings;
- 2.) Small-scale retail, office, service and restaurant use with upper floor residential use;
- 3.) A shallow Build-To-Line and frontage build-out requirement that supports a pedestrian-friendly street;
- 4.) On-street parking, tree lawn with street trees, sidewalks and streetlights;
- 5.) Flat roofs with cornices or pitched roofs.

## TOWN OF DEWITT

DeWitt’s Zoning Ordinance requires concrete sidewalks within “Hamlet Districts,” both along street frontages and connecting buildings’ entrances to the street. The only hamlet district identified in the zoning code is the Jamesville Hamlet District, in and around the East Seneca Turnpike crossing of Butternut Creek.

## TOWN OF HASTINGS

While there are no sidewalks within the portion of Hastings that is in the Study Area, this is one of the few towns to specify that sidewalks (and street trees) are required adjacent to multi-family homes and nonresidential uses in specific zoning districts.

## TOWNS OF LAFAYETTE

The Town of LaFayette’s code states that “in heavy traffic areas” sidewalks may be required in addition to pedestrian easements for access to schools, parks, play areas or nearby roads. (*Town of LaFayette Subdivision Regulations, Article 5, Section 535, Pedestrian Easements*)

## TOWN OF ONONDAGA

The Town of Onondaga’s sidewalk ordinance includes provisions to ensure that property owners keep sidewalks cleared of ice and snow whether or not the sidewalk is in the public right-of-way. This extends

# 3. MUNICIPAL CODES

to sidewalks on private roads in areas of new development. Additionally, Section 285-32 of Onondaga’s Zoning Code describes desired pedestrian amenities that should be included in site designs for the West Seneca Turnpike Corridor overlay zone. This includes sidewalks, as well as pedestrian walkways in parking areas.

## TOWN OF SPAFFORD

Spafford’s Site Plan Review code states that sidewalks should be included in site plans for development on lots within 1,000 feet of a school, park or residential concentration.

## VILLAGE OF BALDWINSVILLE

The Village of Baldwinsville’s code provides details on what constitutes a “defective sidewalk” (including differences in elevation between sidewalk blocks of more than ½ an inch). The Village also assumes responsibility for clearing snow and ice on sidewalks in the downtown area, near the intersection of Routes 370/31 and Route 48.

## VILLAGE OF CAMILLUS

The Village of Camillus is unusual in that the Village bears the costs of sidewalk repairs, unless the need for repairs is the result of damage done by an adjacent property owner, in which case the village will repair the damage and bill that property owner.

## VILLAGE OF ELBRIDGE

The Village of Elbridge’s subdivision code provides for the possibility that sidewalks may be required if a sidewalk segment would link “pedestrian generators,” would continue a walk on an existing street, or would link areas of probable future development, as outlined in the Village’s Master Plan.

### **Cost Sharing for Sidewalk Repairs**

A shared cost program for sidewalk repair can be an effective way for municipalities to both take the sting out of sidewalk maintenance costs and ensure that repairs are being made.

The Village of Phoenix’s code (Article I, Section 165-13.1) spells out a shared cost strategy in which the property owner pays (at least) 50 percent of repair costs and the Village provides sufficient materials and/or Public Works man-hours to make up the remainder. This code section also allows the Village to prioritize sidewalk repairs based on the sidewalk’s location and its degree of disrepair.

## Green Infrastructure

Green infrastructure refers to the use of natural systems, and engineering solutions designed to mimic and/or enhance natural systems, to manage stormwater and wastewater. Green infrastructure is frequently contrasted with so-called “grey” infrastructure, which relies on storm drains, sewer pipes and centralized water treatment plants. Collecting the stormwater that runs off a road through a drain and into a pipe and then transporting it to a wastewater treatment plant is an example of a grey infrastructure solution. Green infrastructure might use a bioswale (essentially a vegetated ditch) to capture this stormwater, allowing it to filter into the groundwater through engineered layers of rock.

In the context of sidewalks, porous pavements are increasingly being investigated as a means of capturing stormwater on-site. Appendix D includes a description of porous pavements and how they apply to sidewalk planning and construction.

As [Table 3.3](#) shows, no local ordinances identify porous pavements as a recommended sidewalk material and, in a few cases, the specifications for sidewalk materials would preclude the use of porous pavement.

### 3.3. Model Ordinances

Appendix C provides two variations on model sidewalk ordinance language, as well as a copy of the Town of Penfield’s ordinance. During this research, the SMTC was not able to identify any single source of model ordinance language that both addresses all of the major elements identified in local ordinances (liability, planning, design and maintenance) and also included key elements of green infrastructure, such as encouraging the use of porous pavements in sidewalks and identifying suitable locations for their use.

The Environmental Protection Agency’s Water Quality Scorecard recommends that municipalities enact regulations to encourage green infrastructure elements in roadway design. This could include:

- Adopting green infrastructure retrofit standards for major street projects.
- Adopting technical specifications and design templates for green infrastructure in private and public rights-of-way.
- Requiring all local road projects to allocate a minimum amount of the total project cost to green infrastructure elements.
- Adopting requirements that some percentage of parking lots, alleys, or roads in a development utilize pervious materials.
- Ensuring that development approvals that allow/require the use of pervious materials include requirements for continuing maintenance/cleaning of porous surfaces.

## 3.3.1 Guidelines for New York State Communities

[http://www.albany.edu/ihi/files/NY\\_Planning\\_And\\_Policy\\_Models\\_iHi.pdf](http://www.albany.edu/ihi/files/NY_Planning_And_Policy_Models_iHi.pdf)

The Institute for Healthy Infrastructure at the University at Albany offers a number of resources designed to make it easier for New York State’s municipalities to improve conditions for walking and bicycling. The 2007 document *Planning and Policy Models for Pedestrian and Bicycle Friendly Communities in New York State* provides guidelines for language to include in comprehensive plans and local codes.

## 3.3.2 Sidewalk Policy, Town of Penfield, Monroe County

<http://www.penfield.org/index.php?pr=dpt-engineer-sidewalks>

The purpose of the Town of Penfield’s Sidewalk Policy is to “install sidewalks along all Minor Arterial, Major Collector and Minor Collector roads.” The Policy identifies two sidewalk systems within the town: a “Primary” and a “Secondary” system.

The Primary System is made up of the Minor Arterial, Major Collector and Minor Collector roads, but it includes local roads that serve as connectors within the community as well. The Town takes responsibility for “the maintenance, replacement, and snowplowing of all sidewalks constructed along publicly dedicated roads classified as Minor Arterial, Major Collector, and Minor Collector.” (Town of Penfield, 2000) The Policy identifies the roads that comprise the Primary System.

The Secondary Sidewalk System is made up of roadways within residential subdivisions and other short, low-volume roadways. According to the Town’s Policy, “All new development within the Town of Penfield is required to install sidewalks along both sides of all local roads.” (Town of Penfield, 2000) Developers of new subdivisions can waive this requirement but are required to both grant the Town a seven-foot-wide easement along all roads in the subdivision for future sidewalks and to pay a fee of \$500 per dwelling unit, in the case of residential properties, and \$4,000 per lot in the case of commercial properties. The money paid in waivers is then used to fund sidewalk projects through a Sidewalk Capital Account.

Additionally, the Sidewalk Policy provides for the formation of Intensified Sidewalk Districts in all new residential subdivisions that include sidewalks, in order to fund the sidewalks’ long-term maintenance. Each home in an Intensified Sidewalk District pays \$25 per year into this fund, which is then dedicated to sidewalk maintenance and/or replacement in that subdivision. These sidewalks are considered part of the Town’s “Secondary Sidewalk System,” however, which means that the Town does not clear the snow from these sidewalks.

# 3. MUNICIPAL CODES

## 3.3.3 Site Design and Pedestrian Circulation, Holly Springs, NC

<http://www.hollyspringsnc.us/DocumentView.aspx?DID=952>

As part of its Unified Development Ordinance, which regulates all aspects of new development, the Town of Holly Springs, North Carolina includes a substantial set of regulations on pedestrian-friendly site design. This ordinance provides an example of code language on elements such as:

- Walkways within subdivisions to connect houses to open space.
- Pedestrian links from residential areas to public open space.
- Ensuring connections between commercial/industrial areas and planned or existing public greenways.
- Maximizing the connectivity of parking areas and internal driveways to surrounding uses.

This code section also includes language on what a developer would need to do in order to be granted a waiver of these requirements.



## 3.3.4 Model Ordinance for Pedestrian- and Bicycle-Friendly Site Design

<http://www.public.applications.co.brown.wi.us/Plan/Planningfolder/Transportation/Model%20STP%20Ordinance%20FINAL%20071712.pdf>

The Department of Planning and Land Services in Brown County, Wisconsin, prepared a set of guidelines in order to foster pedestrian access during the design review process. While not written as an

# 3. MUNICIPAL CODES

ordinance, per se, the *Model Ordinance for Pedestrian- and Bicycle-Friendly Site Design in the Green Bay Metropolitan Area* provides a wealth of guidance for municipalities interested in improving their review process as it relates to pedestrian access. This document includes an appendix with numerous examples of how to retrofit existing developments, including schools, retail and multifamily developments, with improved pedestrian access. Figure 3.2 provides an examples of this plan’s assessment of a retail development’s pedestrian accessibility.



**Figure 3-2: Large retail site designed with high pedestrian accessibility**  
*(Source: A Model Ordinance for Pedestrian- and Bicycle-Friendly Site Design in the Green Bay Metropolitan Area)*