

VILLAGE OF AIRMONT
LOCAL LAW NO. _____ OF 2025

**A LOCAL LAW AMENDING CHAPTER 177 (STREETS AND SIDEWALKS) TO
CONCERNING SIDEWALK CONSTRUCTION AND ESTABLISHMENT OF A
SIDEWALK FUND**

BE IT ENACTED by the Village Board of the Village of Airmont, Rockland County, New York (“Village Board”) as follows:

Section 1. Amendment.

Amend Chapter 177 of the Village Code (Streets and Sidewalks) to add a new Article VI (Sidewalk Construction and Sidewalk Fund)

§ 177-28 Legislative Intent and Purpose.

(a) Sidewalks are necessary to guarantee everyone, including adults, children, and people with disabilities, has the independence to move about the Village freely and safely.

(b) To create a comprehensive, integrated, and accessible sidewalk network, while also reducing the burden on individual property owners to construct, reconstruct, and repair sidewalks, this Article promulgates and sets forth a sidewalk service charge to be paid by the owners of every lot or parcel of land within the Village, the revenues from which shall be dedicated to construction, reconstruction and repair of sidewalks and sidewalk infrastructure to be performed by the Village. In furtherance of providing sidewalks and sidewalk infrastructure so that everyone has the independence to move about the Village freely and safely, and recognizing that each owner of a lot or parcel of land within the Village makes use of, and is served and benefited by, sidewalks, each owner of a lot or parcel of land within the Village should pay for the use and availability of use of Village sidewalks.

(c) The revenue from the sidewalk service charge promulgated and set forth in this Article is required, and shall be used, solely for the following purposes: sidewalks and sidewalk infrastructure construction, reconstruction, and repair; acquisition of interests in land for sidewalks and sidewalks infrastructure; and financing, administrative, and other costs, including payment to settle any claim resulting from an alleged dangerous condition of the sidewalks if agreed to by the Village or the Village is found liable by a court of competent jurisdiction. The purposes described in this subparagraph (c) shall be collectively referred to in this Article as the "sidewalk program." Sidewalks and sidewalk infrastructure shall be constructed, reconstructed and repaired in accordance with the rules and regulations adopted by the Village Board, unless otherwise approved by the Village Board in writing.

In addition to the above-stated general purposes, this Article is enacted for the following specific purposes:

(1) To promote the general public health, safety and welfare by assuring that sidewalks and sidewalk infrastructure are accessible and safely constructed, reconstructed and repaired for all sidewalk users.

(2) To provide for the establishment of a sidewalk master plan for effectively identifying sidewalks and sidewalk infrastructure in need of construction, reconstruction and repair and developing a comprehensive program for the acquisition of interests in land, construction, reconstruction and repair of sidewalks and sidewalk infrastructure.

(3) To establish a reasonable sidewalk service charge for acquisition of interests in land, construction, reconstruction and repair of sidewalks and sidewalk infrastructure computed on a basis of the need for, and the service provided by, sidewalks in the Village.

§ 177-29. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article only, shall have the meanings hereinafter designated. Definitions found in other sections of the Village Code may be applicable to this section; however, whenever there shall be any inconsistency or variance between such definitions and the definitions contained herein, the following definitions shall take control and precedence over any such conflicting definition for the purposes of this Article only:

(1) *Account.* A group of one (1) or more lots or parcels of real property for which sidewalk service charges are billed to a single entity (including, but not limited to, a single owner for single lots or parcels, homeowner association, or other responsible party for multiple lots or parcels) due to an agreement or other governing documents (including, but not limited to declaration of covenants for a homeowner association) between the owners to pay the fees in a combined bill for all charges.

(2) *Village Board.* The Village of Airmont Village Board.

(3) *Building Inspector.* The Village Building Inspector or assistant building inspector.

(4) *Person.* A natural individual person, a firm, a partnership, a co-partnership, a joint venture, a corporation, a company, an estate or trust, a governmental or quasi-governmental entity other than the Village and its component departments, offices and agencies, or any other group or combination acting as a unit, or other legal entity, and includes the plural as well as the singular number.

(5) *Repair.* Fixing or restoring a hazardous condition of an existing sidewalk to a state of good repair. For purposes of this Article, the term repair does not include cleaning sidewalks and maintenance of improvements in the public right-of-way, as those responsibilities are the obligation of the owner, occupant, agent or lessee of any building or property within the Village.

(6) *Real property frontage.* All of the lot or parcel abutting a public right-of-way or public waterway, measured along the public right-of-way.

(7) *Sidewalk*. The paved portion of the roadway section within the right-of-way intended for pedestrian use which includes associated pedestrian curb ramps at intersections and midblock.

(8) *Sidewalk infrastructure*. Any supporting physical system and appurtenances thereof that may be reasonably required for the construction of a sidewalk depending upon the existing conditions of a site.

(9) *State of good repair*. A condition in which physical assets are functioning as designed and are sustained through regular maintenance and replacement programs.

§ 177-30 Sidewalk master plan.

(a) The Village Board will, with assistance from its professionals, as soon as is practicable, formulate and develop a sidewalk master plan of the Village setting forth the location, width and state of repair of all sidewalks within the Village, as well as the location of all lots and parcels of real property in the Village where there are currently no sidewalks.

(b) The sidewalk master plan will set forth a near-term strategy for implementation of the initial capital investment plan described in subsection (c), as well as a long-term strategy for a continuing program of construction, reconstruction and repair of Village sidewalks and sidewalk infrastructure as needed and over time. These strategies shall initially prioritize sidewalk and sidewalk infrastructure construction, reconstruction, and repair that prioritizes sidewalk and sidewalk infrastructure construction, reconstruction and repair to maximize pedestrian safety, transit access, and access to other high-priority destinations such as schools, parks, grocery stores, and health care centers.

(c) The sidewalk master plan will include an initial capital investment plan that is to be fully implemented as determined practicable in the sole discretion of the Village Board. The initial capital investment plan will include, at a minimum: prioritization for the repair or reconstruction of all existing sidewalks and sidewalk infrastructure that are in severe disrepair, that represent a hazardous condition, or do not comply with legally mandated accessibility standards; the construction of sidewalks and sidewalk infrastructure abutting Village-owned property adjoining all lots or parcels where no sidewalks currently exist; and the upgrade or reconstruction of all existing sidewalks and sidewalk infrastructure that do not meet the minimum standard sidewalk widths identified in the latest version of the department's transportation standard drawings for the type of street on which the sidewalk is located, unless the Village Board determines doing so is not practicable.

(d) The sidewalk master plan will include strategies, and the Village Board may make such additional studies as may be necessary, for ensuring the efficiency and creation of functional sidewalk networks, including by consolidating new construction, upgrades and repairs geographically.

(e) The sidewalk master plan will be updated in no less frequent intervals than five (5) years, including new improvements and developing problem areas and will be submitted to the Village Board for review and comment. Such sidewalk master plan may be transmitted by the Village Board to the Village Planning Board for review and comment.

(f) No later than February 28th of each year, the Village Board, or its designee, will prepare a report and action plan detailing progress made in the prior year toward the goals of the sidewalk master plan, progress made in the implementation of the initial capital investment plan, and a detailed plan for proposed sidewalk and sidewalk infrastructure construction, reconstruction, and repair to be undertaken in the next fiscal year.

§ 177-31 Sidewalk construction, reconstruction and repair service charge.

(a) Except as otherwise provided by ordinance or pursuant to an agreement with the Village, there is hereby imposed on each and every lot or parcel of land within the Village, and the owners thereof, a sidewalk construction, reconstruction and repair service charge (referred to in this Article as the "sidewalk service charge"). This charge is deemed reasonable and is necessary to pay for the purposes of the sidewalk program. All of the proceeds of the sidewalk service charge are imposed for the privilege and benefit of using and accessing a complete network of Village sidewalks and is deemed to be in payment for construction, reconstruction, and repair of Village sidewalks and sidewalk infrastructure. Real property owned by the Village shall not be subject to payment of such sidewalk service charge. The sidewalk service charge shall be payable twice annually or at some other billing frequency that the Village Board shall determine is necessary and appropriate, and shall be paid to the Village, as billed by the Village, by the owner or owners of each and every lot or parcel of real property located within the political jurisdiction of the Village.

(1) Except as otherwise provided by Section 177-32), for each account with less than two hundred thirty (230) linear feet of real property frontage, the sidewalk service charge shall be the base flat fee of one hundred fifty dollars (\$150.00).

(2) Except as otherwise provided by Section 177-32 (service charge adjustment), for each account with greater than two hundred thirty (230) linear feet of real property frontage, the sidewalk service charge shall be the base flat fee of one hundred fifty dollars (\$150.00) plus an additional excess frontage fee of three dollars and fifty cents (\$3.50) for each additional linear foot, rounded to the nearest foot.

(3) For accounts that are billed more frequently than on a twice annual basis, the sidewalk service charge under this subsection (a) of this Section will be prorated for each billing period.

(b) For purposes of calculating the sidewalk service charge, the Village Board shall determine the linear footage of the real property frontage for the lot or parcel of real property by any of the following methods:

(1) On-site measurements of the linear footage of the real property frontage for the lot or parcel of real property made by the Village or on its behalf;

(2) Computation of the linear footage of the real property frontage for the lot or parcel of real property using the dimensions of the real property frontage for the lot or parcel of real property which are set forth and contained in the records of the office of the assessor of the Village or Town assessor if there is no Village assessor; or

(3) Estimation, calculation and computation of the real property frontage using aerial photography, photogrammetry, or equivalent technology.

(c) The Village Board will adopt rules and regulations establishing a rebate program for income-restricted housing and income qualified persons.

§ 177-32. Sidewalk service charge adjustments.

Not later than one (1) year after the Village Board commences billing and collection of the sidewalk service charge, and on an annual basis thereafter, the department shall review the sidewalk service charge and, in accordance with the rules and regulations adopted by the Village Board, may adjust the sidewalk service charge as necessary to fund the sidewalk program accounting for inflationary pressures on operational and construction costs based upon a blended rate of various price and cost indices, which may include the then-current United States Department of Labor's Consumer Price Index.

§ 177-33. Disputes.

Any person who disputes the amount of the sidewalk service charge assessed against their property under this Article or otherwise billed to or alleged to be owing from such person may request a revision or modification of such fee or charge of the Village by submission of a request to the Village Board.

§ 177-34. Administration of Article by the Village Board.

The administration of this Article is hereby vested in and shall be exercised by the Village Board, or its designee who may, prescribe forms and rules and regulations in conformity with this Article for the ascertainment, computation and collection of the fees and charges imposed hereunder, and for the proper administration and enforcement hereof.

§ 177-35. Fiscal matters and sidewalks fund.

(a) All fees and charges paid and collected pursuant to this Article shall be segregated, credited and deposited in a sidewalk capital fund as provided in the fund plan (to be referred to as the "Sidewalks Capital Fund"), and shall not be transferred therefrom to any other account of the Village, except to pay for expenses directly attributable to the sidewalk program.

(b) The fees and charges paid and collected by virtue of this Article shall not be used for general or other governmental or proprietary purposes of the Village, except to pay for the equitable share of the costs of accounting, management, and government thereof. Instead, the fees and charges shall be used, other than as described above, solely to pay for the costs permitted in the sidewalk capital fund attributable to the operation of the sidewalk program.

(c) Except as required to meet Village standards for construction or widening of a sidewalk, the fees and charges paid and collected by virtue of this Article shall not be used for other purposes, including, but not limited to, landscaping (except as needed to restore landscaping disturbed as part of construction or reconstruction), street furniture, structures, roadways, curb and gutter modifications (except as required incidental to construction or reconstruction of a sidewalk), or

snow removal. When disputes arise regarding the use of funds, the Village Board shall have the authority to determine appropriate use of the sidewalks capital fund.

(d) The Village may pledge a portion or all fees and charges collected under this Chapter, including those anticipated to be collected, to the payment of principal, interest, premiums (if any), costs of issuance, and other amounts due on any revenue bond, note, certificate, contract, or other obligations issued or entered into for financing the design, construction, construction inspection, reconstruction, improvement, replacement and installation of sidewalks and sidewalk infrastructure under this Article and the acquisition of interests in land, or for the payment to settle any claim resulting from an alleged dangerous condition of the sidewalks if agreed to by the Village or the Village is found liable by a court of competent jurisdiction.

(e) The annual budget of the department shall include a proposed budget for the sidewalks capital fund for the construction, reconstruction and repair of sidewalks and sidewalk infrastructure for the ensuing budget year. There shall also be included in the annual budget a statement of all amounts presently in the sidewalks enterprise fund, and an estimate of anticipated revenues for the ensuing budget year.

§ 177-36. Billing and collection of charges.

(a) The sidewalk service charge shall be billed and collected from owners of property directly by the Village Board. While bills for the sidewalk service charge may be sent to the address of the lot or parcel of real property directed to "owner or occupant," the obligation to pay promptly the sidewalk service charges is in no way affected by the failure of the Village to furnish or send a bill or of the owner or occupant of the premises served to receive a bill for such services. Bills and notices are sent solely as a convenience to the users.

(b) Where possible, the sidewalk service charge shall be billed and collected with the Village tax bill.

(c) If any owner or owners of any lot, parcel of land or any real property within the legal boundaries of the Village shall neglect, fail or refuse to pay the charges or fees fixed by this Article, the rates, charges or fees due therefor may, by the Village Board, be periodically certified to the Assessor's office who shall record a notice of such lien with the Village Clerk. Such rates, charges or fees due therefor shall become, from and after the date of such recording of the notice in the office of the Village Clerk, a continuing lien upon the real property so charged. The Assessor shall assess and charge the amounts of the charges or fees due against the property involved, and collect the same, plus interest thereon, in the manner as are delinquent real property taxes. The lien created hereby shall be superior and prior to all other liens, regardless of their dates of recordation, except liens for general taxes and special assessments. In addition to the remedies set forth herein, an action or other process provided by law may be maintained by the Village to recover or collect any amounts, including interest, owing under this provision. Provided however, that when the failure to pay such rates, charges or fees due is the result of incorrect billing by the Village Board, the owner shall only be billed, with the related certification and notice, if any, for not more than two (2) years prior to the mailing of a corrected billing.

§ 177-37. Liability.

(a) This Article does not imply that property liable for the fees and charges established by this Article will always have access to a sidewalk or a sidewalk free from any defect. Nor shall this Article create a liability on the part of, or cause of action against, the Village or any officer or employee thereof for any condition of any sidewalk or any lot or parcel of real property that does not have a sidewalk, or any inaction on the part of the Village or any officer or employee therefor. Nor does this Article purport to reduce the need or the necessity for obtaining property insurance.

(b) Nothing in this section shall limit the authority of the Village Board to require the owner of a land area to be developed or redeveloped to provide sidewalks.

§ 177-38. Violations; evasion of collection or payment.

It shall be a violation of this Article for any person to fail or refuse to make payment to the Village Board of any fees or charges due the Village, or in any manner to evade the collection and payment to such fees and charges, or any part or parts thereof, imposed by this Article or for any person to fail or refuse to pay such fees or charges or evade the payment thereof, or to aid or abet another in any attempt to evade the payments of the fees and charges imposed by this Article.

Section 4. State Environmental Quality Review Act.

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

Section 5. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Code Preparation

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

Section 7. Effective date.

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

