

VILLAGE OF ARDEN ORDINANCE - #11 ENCROACHMENTS ON THE RIGHTS OF WAY

Adopted by the Town Assembly June 22, 2009

Revised text replaces Ordinance #11 adopted September 28, 1992

PURPOSE: The residents of the Village of Arden wish to promote safety in the Village of Arden by requiring that residents refrain from improperly using areas between leaseholds and paved roads or paths, commonly known as the right-of way.

SECTION 1. The criteria for maintaining rights-of-way are that they be kept clear enough to allow pedestrians to step off the road surface to make way for vehicular traffic, to allow daytime parking with two wheels off the road surface except where such parking is specifically prohibited, and to allow for safe visibility of pedestrians and vehicles.

SECTION 2. It shall be the responsibility of each leaseholder to refrain from introducing anything that will interfere with rights-of-way adjacent to their leasehold. Rights-of-way shall be kept clear of plantings and overgrowth that do not meet the guidelines set forth in Section 1. With the exception of mailboxes, rights-of-way also shall be kept clear of permanent objects that do not meet the guidelines set forth in Section 1.

SECTION 3. The Safety Committee is empowered to determine which leaseholds have plantings or permanent objects that need trimming, cutting, cleaning, or clearing to comply with this ordinance and shall inform leaseholders or their tenants, in writing, of their determinations.

SECTION 4. In the event such notice from the Safety Committee does not result in the required action within thirty (30) days, the Safety Committee is empowered to have the work done.

SECTION 5. The leaseholder or tenant may request an appeal hearing of the Safety Committee determination. The request must be filed with the Town Assembly Secretary in writing within thirty (30) days after receiving the Safety Committee notice. Such appeal shall negate Section 4 until after all appeal options have been exercised. The appeal shall first be heard by a board of one member each of the Safety, Civic, and Community Planning Committees within thirty (30) days. If the result of the appeal to the board is not satisfactory to the leaseholder or tenant, the appeal may be heard at the next Town Assembly by filing a request in writing with the Town Assembly Secretary within seven (7) days after the decision of the board. The decision by the Town Assembly shall be final. All decisions of the board and the Town Assembly shall be transmitted to the leaseholder or tenant in writing.

SECTION 6. Violations of this ordinance shall be punishable by a fine of not less than twenty-five (\$25) and not more than one hundred dollars (\$100), in addition to the cost of the work done under Section 4.

SECTION 7. The right-of-way shall be determined by the distance from the center of the currently paved road or path to the leasehold. The following widths of rights-of-way, which were recorded in the Deed of Transfer between the Trustees of Arden and the Village of Arden on April 17, 1967, shall be used by the Safety Committee for all right-of-way determinations, unless evidence is presented to the contrary in the form of a leasehold survey.

ROADS / LANES / PATHS

50' The Highway-Orleans Road intersection
40' Meadow Lane
35' Green Lane - Cherry Lane to Ardentown
30' Cherry Lane
30' The Highway - except at Orleans Road intersection
30' Inn Lane
30' Green Lane - Cherry Lane to Woodland Lane
30' Hillside Road - Sherwood Road to Arden Woods
30' Little Lane
30' Lower Lane
30' Millers Road
30' Orleans Road - Millers Road to Lovers Lane
30' Sherwood Road
30' Sunset Road (behind the Buzz Ware Village Center)
30' The Sweep
30' Walnut Lane - Millers Road to Green Lane
30' Woodland Lane
25' Hillside - Sherwood Road to Sherwood Forest
25' Sunset Road from BWVC to Orleans Road
25' Wind Lane

22' Lovers Lane
20' Orleans Road-Lovers Lane to Hillside Road
18' access to Lot #87 from Sherwood Road
15' Cherry Lane-Green Lane to woods
15' Mill Lane
15' Walnut Lane-Green Lane to woods
12' St. Martin's Lane
10' Fire Lane from Marsh Road
10' Forest Lane
10' Pond Lane

PATHS

15' Milky Way
15' Nature Path
10' Pump Path
10' Grocery Path - Orleans to Little Lane
8' Grocery Path - Hillside Road narrowing to 7' at Little Lane
6' Clubhouse Path
6' Lovers Path - Lovers Lane to Harvey Road
6' Stile Path