

**SOLID WASTE**

**Chapter 214**

**SOLID WASTE**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne: Art. I, 4-26-1948 as Sec. 45 of the 1948 Compilation; Art. II, 11-8-1954; Art. III, 8-26-1976 as L.L. No. 1-1976. Amendments noted where applicable.]**

## GENERAL REFERENCES

Junkyards — See Ch. 150.

Littering — See Ch. 158.

Property maintenance — See Ch. 187.

Streets and sidewalks — See Ch. 219.

## ARTICLE I

**Burning Waste**

[Adopted 4-26-1948 as Sec. 45 of the 1948 Compilation]

**§ 214-1. Restrictions.**

No person shall build any fire for the purpose of waste disposal or for the burning of any refuse, papers, leaves or rubbish in any alley, yard or street within a radius of eight hundred (800) feet from the intersection of North and South Main and East and West State Streets, except that such waste and refuse other than garbage may be burned in a suitable closed metal container.

**§ 214-2. Penalties for offenses.<sup>1</sup>**

Every person guilty of violating this Article shall be punishable by a maximum fine of two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## ARTICLE II

**Dumping**

[Adopted 11-8-1954]

**§ 214-3. Dumping prohibited.**

- A. There shall be no dumping of garbage, rubbish or refuse within the limits of the Village of Sherburne, New York, except at the regularly designated dumps of said village.

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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- B. There shall be no dumping of garbage, rubbish, refuse or of any thing or object in or upon the channel or banks of the Chenango River between the points at which the north and south boundary of the limits of said village intersect said Chenango River.

**§ 214-4. Penalties for offenses.<sup>2</sup>**

Any violation of this Article shall be punishable by a maximum fine of two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

ARTICLE III

**Accumulation of Waste Materials and Rubbish  
[Adopted 8-26-1976 as L.L. No. 1-1976]**

**§ 214-5. Purpose.**

The purpose of this Article is to prohibit the accumulation or storage of unsightly or odorous waste materials or rubbish on any premises in the Village of Sherburne.

**§ 214-6. Accumulation prohibited.**

No person, firm or corporation owning or controlling any premises in the Village of Sherburne, New York, shall suffer or permit the accumulation or deposit thereon of any waste, waste materials, metals, junk cars, rubbish or garbage, whereby said premises or any part thereof may be or become unsanitary or unsightly or odorous, or whereby the risk of fire may be increased or the life, health or safety of another person or of other persons may be endangered or affected, or whereby the premises of another person or of other persons may be affected or their enjoyment thereof is or may be injured, damaged, interfered with or prejudiced.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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**§ 214-7. Penalties for offenses.<sup>3</sup>**

Any person, firm or corporation who or which violates any provision of this Article shall be subject to a maximum fine of two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

ARTICLE IV  
**Collection and Recycling**

**[Chenango County's solid waste collection and recycling regulations are the controlling standards in the village.]**

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<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 214-6.1.

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§ 214-6.2.

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ARTICLE III  
**Handling and Removal**

**§ 214-6.1. Rules and regulations.**

Every person, firm or corporation handling, moving or hauling garbage, ashes, trash or any form of refuse or waste material on, through or over streets of the Village of Sherburne shall observe the following rules and regulations:

- A. Trucks, wagons or any other vehicles used shall be equipped with leak proof dump-type body or other type of leak proof body with solid side paneling.
- B. No such vehicles shall be loaded to a point higher than the top edges of the body paneling, and the tail gate shall be kept raised and closed when the vehicle is in motion.
- C. A tarpaulin, canvas or other suitable cover must be placed on top of the load when the vehicle is in motion to prevent any waste material from being blown or scattered from the vehicle onto the streets.
- D. Operators of such vehicles shall take due care and caution in the operation of such vehicles and in the handling and hauling of such waste material to prevent the dropping or spilling of such material in the Village streets.

**§ 214-6.2. Penalties for offenses.**

The violation of any provision of this article shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

§ 214-6.3.

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§ 214-6.4.

**GARBAGE**

**§ 214-6.3. Storage requirements.**

A. All garbage and refuse shall be kept in a metal or durable plastic, non-leaking, tightly covered container designed to prevent the attraction of animals.

B. Every landlord must provide a suitable trash container for each occupied rental unit. The trash container shall be of suitable size to meet the needs of the occupants (i.e., a one-bedroom unit may have a container large enough to hold two bags of garbage per week; a two-bedroom, four bags per week, etc.). For larger occupancies, such as multi-family dwellings or commercial buildings, a dumpster may be provided as long as it is readily available to all occupants. Failure to provide such receptacles shall result in a minimum fine of \$50 per unit, per offense.

C. Garbage and refuse must be stored in areas screened from view of the street.

**§ 214-6.4. General garbage and refuse maintenance.**

A. Garbage and refuse containers are to be placed out for collection no earlier than 12 hours before scheduled pickup and cannot remain there for more than 12 hours after pickup.

B. Garbage and refuse cannot be placed on the street or sidewalk where it can interfere with bicyclists, pedestrians and vehicles.

C. Accumulations of rubbish, including, but not limited to, vehicle parts, tires, scrap lumber, construction materials, old appliances, and leaves and branches in property yard are considered garbage. Leaves and branches may be piled temporarily, provided they are being gathered for disposal, but cannot remain in sight for an indefinite period of time.

§ 214-6.4.                    SHERBURNE CODE                    § 214-6.5.

D. Furniture designed for indoor use placed in a yard or on an unenclosed porch will be considered rubbish.

E. No person in charge or control of any property within the Village, whether as owner, occupant, tenant or otherwise, shall allow any rubbish to remain on such property longer than 24 hours after notice given to such person to remove and dispose of such rubbish.

**§ 214-6.5. Costs of clearing and cleaning.**

A. The following costs are hereby established to be imposed when the Village or its independent contractor clears and cleans a noncomplying premises in accordance with Section 214-6.3 herein:

(1) First occurrence within a three-year period: \$100, plus the actual cost of the work.

(2) Second occurrence within a three-year period: \$200, plus the actual cost of the work.

(3) Third or more occurrences within a three-year period: \$300, plus the actual cost of the work.

B. For the purposes of this article, the "actual cost of the work" is defined as follows:

(1) In the case of an independent contractor, the total agreed-upon contract consideration.

(2) In the case of the Village performing the work, the sum total of man hours expended multiplied by the hourly wage, plus fringe benefits paid each Village employee utilized, plus the sum total of equipment hours utilized multiplied by an hourly rental charge therefore.

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**§ 214-6.6. Statement of costs; collection.**

A. A statement of costs incurred for clearing and cleaning, in accordance with Sections 214-6.3 and 214-6.5 herein, and a demand for payment of same upon completion of work shall be mailed to the addressee, person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises by United States Postal return-receipt-requested mail. Such statement of costs shall require payment to the Treasurer not later than 30 days from receipt.

B. In the event the said costs are not timely paid, the Board of Trustees of the Village of Sherburne may direct the Village Attorney to bring a proceeding in a court of competent jurisdiction for its collection and thereafter to proceed to enforce such judgment by lawful process.

**§ 214-7. Penalties for offenses.**

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a penalty of not more than \$250 or imprisonment for not more than 15 days, or both, for each offense.

**ARTICLE IV  
Collection and Recycling**

**[Chenango County's solid waste and collection and recycling regulations are the controlling standards in the village.]**

**STREETS AND SIDEWALKS**

**Chapter 219**

**STREETS AND SIDEWALKS**

- § 219-1. **Snow and ice falling from buildings.**
- § 219-2. **Removal of snow and dirt from sidewalks.**
- § 219-3. **Obstructions.**
- § 219-4. **Excavations.**
- § 219-5. **Construction of sidewalks and curbs; permit required.**
- § 219-6. **Damage to sidewalks and property.**
- § 219-6.1. **Tractors with lugs prohibited on streets.**
- § 219-6.2. **Riding of bicycles on sidewalks.**
- § 219-7. **Depositing or burning ashes, rubbish or refuse in streets.**
- § 219-8. **Obstruction of drainage.**
- § 219-9. **Removal of earth from street or public ground.**
- § 219-10. **Altering grade of sidewalks.**
- § 219-11. **Altering grade of street.**
- § 219-12. **Dangerous sidewalks.**
- § 219-13. **Obstruction of streets and sidewalks by materials; construction materials exempted.**
- § 219-14. **Obstruction of railroad street crossings.**
- § 219-15. **Penalties for offenses.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 4-26-1948 as Secs. 12 through 23, 30, 31, 40 and 41 of the 1948 Compilation; amended in its**

entirety 9-26-1994 by L.L. No. 2-1994. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 129.

Littering — See Ch. 158.

Sewers — See Ch. 202.

Solid waste — See Ch. 214.

**§ 219-1. Snow and ice falling from buildings.**

The owners of buildings adjacent to public streets and sidewalks shall prevent the accumulation of snow, ice or water thereon and shall prevent the falling of snow, ice or water from such buildings upon such streets or sidewalks.

**§ 219-2. Removal of snow and dirt from sidewalks.**

All snow, dirt and other obstructions upon any public sidewalks in the Village of Sherburne, New York, shall be removed by the owner or occupant of adjoining premises immediately after such snow, ice, dirt or other obstruction is deposited thereon. Whenever the owner or occupant of adjoining premises fails to remove the snow, ice or dirt or other obstruction from the sidewalk in front of such premises so owned or occupied by them within five (5) hours after 7:00 a.m., when such snow, ice or other obstruction shall have been deposited thereon, or within one (1) hour after notice from the village to remove the same, such owner or occupant shall forfeit and pay a penalty as provided in § 219-15 for each offense. It is further provided that whenever the owner or occupant of adjoining land fails to remove the snow, ice or dirt or other obstruction thereon from the sidewalk in front of the premises so owned or occupied by them within five (5) hours after 7:00 a.m., when such snow, ice, dirt or other obstruction shall be deposited thereon, or within one (1) hour after notice from the village to remove the same, it shall be the duty of the village to remove said snow, ice, dirt and other obstruction from such sidewalk and to clean said sidewalk, and the expense thereof

shall be a lien upon the adjoining premises and charged and assessed against the same.

**§ 219-3. Obstructions.**

No person shall pile boxes, barrels, property or materials or ashes, snow or rubbish or place standing or permit to be placed standing any motor or other vehicle in any public lane or alleyway in the Village of Sherburne, New York, in such a manner as might obstruct the same for the easy passage of vehicles or the fire apparatus or Fire Department of said village.

**§ 219-4. Excavations.**

No person shall make any excavation or dig any ditch, trench or hole in any of the public streets in said Village of Sherburne without first obtaining a permit therefor from the Village Clerk, and all such excavations shall be properly guarded by barriers or red lights to protect all persons from damage or injury.

**§ 219-5. Construction of sidewalks and curbs; permit required.**

It shall be unlawful for any person or persons to construct any walk or curbs without first obtaining a permit from the Village Clerk.

**§ 219-6. Damage to sidewalks and property.<sup>1</sup>**

No person shall willfully or maliciously injure or destroy any sidewalk or crosswalk or destroy, injure, molest or tamper with any streetlamp or any electric light fixtures or apparatus or other electric light property in the Village of Sherburne, New York, or injure or destroy any hydrant or other property

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<sup>1</sup> Editor's Note: See also § 247-1.

connected with the waterworks system belonging to said village or do anything to injure or pollute the water in the reservoir or filter bed of said waterworks system or the water flowing thereto or therefrom or injure or destroy any other property belonging to said village. No person, except a fireman of said village for the use of the Fire Department thereof, shall open or tamper with any hydrant, valve or stopcock connected with the waterworks of said village without the written consent of the Superintendent of Water of said village.

**§ 219-6.1. Tractors with lugs prohibited on streets.**

No person shall drive or run a tractor or trailer or other vehicle with calks or lugs on the wheels thereof on or over the streets of the Village of Sherburne at any time.

**§ 219-6.2. Riding of bicycles on sidewalks.**

- A. No person shall ride a bicycle at any time on a sidewalk in the Village of Sherburne within the boundaries set forth as follows: Main Street between Knapp Street and Chapel Street, State Street between Classic Street on East State Street and the railroad tracks on West State Street.
- B. No person fifteen (15) or more years of age other than newsboys on delivery routes shall ride a bicycle on any sidewalk in the village.
- C. No person shall ride a bicycle on any sidewalk in the village after dark.

**§ 219-7. Depositing or burning ashes, rubbish or refuse in streets.**

- A. No person shall sift or throw any coal ashes in or into any street, lane or public place in the Village of Sherburne, New York, or sweep, throw or leave any

§ 219-6.3            STREETS AND SIDEWALKS            § 219-6.3

**§ 219-6.3. Riding of skateboards on sidewalks.**

- A. No person shall ride a skateboard at any time on a sidewalk or within the right-of-ways in the Village of Sherburne.



waste paper, leaves or other rubbish in any street, lane or public place in said village.

- B. No person shall burn leaves or other refuse or rubbish in any street, lane or public place in said village.

**§ 219-8. Obstruction of drainage.**

No person shall obstruct or cause to be obstructed any gutter, sluice, sewer or other work in the Village of Sherburne, New York, used for the purpose of drainage or carrying off water therein.

**§ 219-9. Removal of earth from street or public ground.**

No person shall remove any earth, turf or gravel from any street or public ground in the Village of Sherburne, New York, without the consent of the Board of Trustees of said village.

**§ 219-10. Altering grade of sidewalks.**

No person shall, without the consent of the Board of Trustees, in writing, alter the grade of any sidewalk, and all sidewalks hereinafter constructed in the village shall be built on grades established by the Board of Trustees and shall be constructed under its supervision.

**§ 219-11. Altering grade of street.**

No person shall by any act whatsoever willfully or maliciously alter or interfere with or cause to be altered or interfered with any grade of any street or sidewalk or crosswalk in the Village of Sherburne, New York, which grade shall have been established by the Trustees of said village thereof under the direction of the said Trustees.

**§ 219-12. Dangerous sidewalks.**

No person shall allow the sidewalk in front of their premises to become in a dangerous condition; and any person, upon receiving notice from the Village Clerk that the sidewalk in front of their premises is in a dangerous condition, shall, within twenty-four (24) hours, repair the same; and any person who shall refuse or neglect to build or repair the sidewalk in front of their premises after being notified to do so by the Village Clerk pursuant to this chapter shall be liable to the penalty hereinafter prescribed and, in addition thereto, shall be liable for the cost for repairing the same, which shall be assessed on the adjoining land benefitting thereby, and which cost shall be collected the same as all other village assessments.

**§ 219-13. Obstruction of streets and sidewalks by materials; construction materials exempted.**

- A. No person shall place or cause to be placed in or upon any street or public place or upon any sidewalk or crosswalk in the Village of Sherburne, New York, any brick, stone, wood, barrels, boxes or any other material whatsoever to remain longer than for the same day upon which it shall be so placed.
- B. It shall not be a violation of this section to place or cause to be placed materials procured for immediate use for the construction or repair of any building or sidewalk, provided that such material shall remain no longer than is necessary for such purpose and that the same shall be properly placed for use, such necessity and location to be determined by the Board of Trustees of said village or some member thereof.
- C. No person shall use any such materials as herein last provided unless the same shall be safeguarded at night by lantern or other suitable light.

§ 219-14                    STREETS AND SIDEWALKS                    § 219-15

**§ 219-14. Obstruction of railroad street crossings.**

No person or employee or a corporation in charge of a locomotive, train or car shall willfully obstruct or cause to be obstructed any street crossing in the Village of Sherburne, New York, with any locomotive, train or car for a longer period than five (5) consecutive minutes.

**§ 219-15. Penalties for offenses.**

Any violation of this chapter shall be punishable by a maximum fine of two hundred fifty dollars (\$250.) or by imprisonment for no more than fifteen (15) days, or both.



**TAXATION**

**Chapter 225**

**TAXATION**

**ARTICLE I**

**Eligible Business Facilities Exemption**

- § 225-1. Statutory authority.
- § 225-2. Grant of exemption.
- § 225-3. Extent of exemption.
- § 225-4. Application procedure.
- § 225-5. Application review and value determination.
- § 225-6. Redetermination of assessed value.

**ARTICLE II**

**Veterans Exemption**

- § 225-7. Purpose.
- § 225-8. Extent of exemption.

**[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne: Art. I, 3-2-1983 as L.L. No. 1-1983; Art. II, 1-14-1985 as L.L. No. 1-1985. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Assessors — See Ch. 5.**

ARTICLE I  
Eligible Business Facilities Exemption  
[Adopted 3-2-1983 as L.L. No. 1-1983]

**§ 225-1. Statutory authority.<sup>1</sup>**

This Article is adopted under the authority of § 485 of the Real Property Tax Law.

**§ 225-2. Grant of exemption.<sup>2</sup>**

A total exemption from taxation and special ad valorem levies for ten (10) successive years after the adoption hereof is hereby granted to eligible business facilities, as defined in § 115 of the Commerce Law<sup>3</sup> of the State of New York, as such section existed on March 31, 1983, located in this village, from taxes and special ad valorem levies imposed by or in behalf of the Village of Sherburne for village and part-village purposes.

**§ 225-3. Extent of exemption.<sup>4</sup>**

An eligible business facility, as defined by the New York State Job Incentive Board, pursuant to § 115 and § 120 of the Commerce Law of the State of New York, as such sections existed on March 31, 1983, shall be exempt from taxes and special ad valorem levies imposed by the village for village and part-village purposes for any increase in the value thereof which is attributable to expenditures certified by the Job Incentive Board to have been paid or incurred by the owner or operator for capital improvements commenced on or after the

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<sup>1</sup> Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>3</sup> Editor's Note: See now Economic Development Law.

<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

effective date of this Article, consisting of the construction, reconstruction, erection or improvement of depreciable real property included in such facility, and such exemptions shall be continued from year to year during the specified period only if the certificate of eligibility with respect to such business facility is not revoked or modified and is renewed or extended as provided by § 120 of the Commerce Law, as such section existed on March 31, 1983.

**§ 225-4. Application procedure.**

Such exemption shall be granted only upon an application by the owner or operator of such facility on a form prescribed by the New York State Job Incentive Board, to which there shall be attached a copy of the certificate of eligibility issued by the New York State Job Incentive Board. Such application shall be filed with the appropriate assessing authorities on or before the appropriate taxable-status dates. Copies of such applications shall be filed simultaneously with the New York State Job Incentive Board and the State Board of Equalization and Assessment.

**§ 225-5. Application review and value determination.<sup>5</sup>**

The assessors shall consider the application for such exemption and, if the same is in order, shall determine the assessed value of such exemption in accordance with the above-mentioned certificate of eligibility, issued pursuant to § 120 of the Commerce Law<sup>6</sup> of the State of New York, as such section existed on March 31, 1983, and enter such value on the exempt portion of the assessment roll. The eligible business facility shall then be exempt to the extent provided by this Article from taxes and special ad valorem levies commencing with the

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<sup>5</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>6</sup> Editor's Note: See now Economic Development Law.

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assessment roll prepared on the next-following taxable-status date.

**§ 225-6. Redetermination of assessed value.**

If an exemption has once been granted for a business facility under this Article and the assessors receive notice that a certificate of eligibility of such facility has been revoked or modified, they shall redetermine the assessed value of any such exemption in accordance with such revocation or modification. If, upon such redetermination, it appears for a year for which an exemption has been granted that such facility has been ineligible or that the assessed value of such exemption as redetermined is less than the assessed value of such exemption as shown on the assessment rolls for such year, then a tax shall be levied at the rate of tax for such year upon so much of the assessed valuation of such exemption, as shown on such assessment rolls, as may be ineligible or excessive. Such tax shall be levied as an omitted assessment in the manner provided in § 550 of the Real Property Tax Law for each such year. Any such redetermination shall be made no later than three (3) years after the applicant for exemption last received benefit of any exemption under said § 485 of the Real Property Tax Law.

**ARTICLE II**

**Veterans Exemption**

**[Adopted 1-14-1985 as L.L. No. 1-1985]**

**§ 225-7. Purpose.**

The purpose of this Article is to reduce the maximum veterans exemption allowable pursuant to § 458-a of the Real Property Tax Law of the State of New York.

**§ 225-8. Extent of exemption.**

Pursuant to the provisions of Subdivision 2(d) of § 458-a of the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-a of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of six thousand dollars (\$6,000.) or the product of six thousand dollars (\$6,000.) multiplied by the latest state equalization rate of the Village of Sherburne.
- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of four thousand dollars (\$4,000.) or the product of four thousand dollars (\$4,000.) multiplied by the latest state equalization rate of the Village of Sherburne.
- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veterans Administration because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent (50%) of the veterans disability rating; provided, however, that such exemption shall not exceed the lesser of twenty thousand dollars (\$20,000.) or the product of twenty thousand dollars (\$20,000.) multiplied by the latest state equalization rate of the Village of Sherburne.



§ 233-1

TREES

§ 233-1

Chapter 233

TREES

- § 233-1. Written consent required.
- § 233-2. Trimming near streets, sidewalks and public places.
- § 233-3. Poplar and willow trees prohibited.
- § 233-4. Powers of village.
- § 233-5. Removal from private property.
- § 233-6. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 4-26-1948 as Art. IV, Secs. 25 through 29, of the 1948 Compilation. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 219.

- § 233-1. Written consent required.
  - A. No persons, firm or corporation or the officers or employees of a corporation shall, without written consent from the Board of Trustees of the Village of Sherburne, remove, destroy, cut, break or injure any tree, plant or shrub or portion thereof that is planted or growing in or near any public sidewalk, street, avenue or other public place within the Village of Sherburne or cause, authorize or procure any persons to remove, destroy, cut, break or injure any such tree or shrub or portion thereof or to injure, misuse or remove or cause, authorize or procure any persons to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or near

public sidewalks, streets, avenues and public places of said village.

- B. Any person, firm or corporation or officer or employee of the corporation desiring, for any lawful purpose, to remove, destroy, cut, prune, treat with a view to its preservation from disease or insect or to trim any tree, plant or shrub in or near any public sidewalk, avenue, street or public place shall make application, in writing, to the Board of Trustees of said village. Such application must state the number and kind of trees to be trimmed, removed or treated and the kind of conditions of the nearest trees upon the adjoining property. If in the judgment of the Board of Trustees the desired removing, cutting, pruning, treatment or trimming shall appear necessary, the Board of Trustees may thereupon issue written permission for such work.

**§ 233-2. Trimming near streets, sidewalks and public places.**

- A. Trees in or near public sidewalks, streets, avenues and public places of the Village of Sherburne and on any lot or land adjacent to any public sidewalk, street, avenue or public place and having branches projecting into the public sidewalk, street, avenue or public place shall be kept trimmed by the owner or owners or occupant or occupants of said property on or in front of which such trees are growing so that the lowest branches thereof shall not be less than eight (8) feet from the ground. In case the owner or owners or occupant or occupants shall neglect or refuse to trim such tree or trees on being notified, in writing, so to do by the Board of Trustees after ten (10) days from the date of such notice, the Board of Trustees may cause the trimming to be done and the cost thereof to be collected from the owner or occupant.
- B. Shrubs and bushes standing in or near sidewalks, streets, avenues and public places of the Village of

Sherburne and on any lot or land adjacent to any public sidewalk, street, avenue or public place shall be kept trimmed by the owner or owners or occupant or occupants of the property on or in front of which such shrubs and bushes are growing so that they shall not constitute a danger to or interfere in any manner with the visibility of persons using said public sidewalk, street, avenue or public place of said village. In case the owner or owners or occupant or occupants shall neglect or refuse to trim such shrubs or bushes in accordance with this subsection on being notified, in writing, to so do by the Board of Trustees, said Board of Trustees after ten (10) days from the date of such written notice may cause the trimming to be done and the cost therefor to be collected from such owner or occupant.

**§ 233-3. Poplar and willow trees prohibited.**

No person, firm or corporation shall hereinafter plant any poplar or willow tree in or near any public sidewalk, street, avenue or public place in the village or anywhere within the limits of the village, the roots of which will penetrate over, on or under the surface of any sidewalk, street, avenue or public place.

**§ 233-4. Powers of village.**

- A. The Board of Trustees of the Village of Sherburne shall have the right to plant, trim, preserve and remove trees, plants and shrubs within the public line of all sidewalks, streets, avenues and public places as may be necessary to ensure safety or preserve the symmetry and beauty of such public grounds. The Board of Trustees may order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to any public improvement or is affected with any injurious fungus, insect or other pest.

- B. The Board of Trustees shall also have the power to cause to be treated any tree, shrub or plant growing anywhere within the limits of the village infected or infested by any parasite or insect pest when it shall be necessary, in its opinion, so to do to prevent the spreading or scattering of parasite or insect pest and to prevent danger therefrom to the trees and shrubs planted in or near public sidewalks, streets, avenues and public places of the Village of Sherburne.

**§ 233-5. Removal from private property.**

Whenever in the opinion of the Board of Trustees the trimming, treatment or removal of any tree or shrubs located on private grounds shall be deemed necessary in the interest of public safety or to ensure the safety and preservation of public grounds and improvements, such Board of Trustees shall notify the owner or owners or occupant or occupants of the property on which the tree stands, in writing, to do so. In case the owners, occupant or occupants shall neglect or refuse to do so after ten (10) days of such written notice, the Board of Trustees may cause the trimming, treatment or removal to be done and the cost therefor to be collected from such owner or occupant.

**§ 233-6. Penalties for offenses.<sup>1</sup>**

Any violation of this chapter shall be punishable by a maximum fine of two hundred fifty dollars (\$250.) or by imprisonment for no more than fifteen (15) days, or both.

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<sup>1</sup> Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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[**HISTORY:** Adopted by the Board of Trustees of the Village of Sherburne at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. 87.  
Streets and sidewalks — See Ch. 219.

ARTICLE I  
General Provisions

§ 239-1. Definitions.

- A. The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.
- B. The following words and phrases, which are not defined by Article 1 of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter:

**CURBLINE** — The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway.

**HOLIDAYS** — New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

**OFFICIAL TIME STANDARD** — Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

**§ 239-2. Authority to install traffic control devices.**

The village shall install and maintain traffic control devices when and as required under the provisions of this chapter, to make effective the provisions of this chapter, and may install and maintain such additional traffic control devices as it may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law.

**§ 239-3. Schedules; adoption of regulations.**

- A. For the purpose of maintaining an accurate record of all regulations adopted under the provisions of this chapter, there is hereby established a system of schedules, appearing as Article VI of this chapter, in which shall be entered all regulations after adoption. Such schedules shall be deemed a part of the section to which they refer. All regulations shall be adopted with reference to the appropriate schedule as indicated in the various sections of this chapter.
- B. Regulations shall be adopted by the Board of Trustees in accordance with provisions of the Village Law and the Vehicle and Traffic Law or by an officer or agency authorized by the Board of Trustees to adopt regulations pursuant to § 1603 of the Vehicle and Traffic Law.

ARTICLE II  
**Traffic Regulations**

**§ 239-4. Traffic control signals.**

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I (§ 239-31), attached to and made a part of this chapter.

**§ 239-5. Speed limits.**

The maximum speed at which vehicles may proceed on or along any streets or highways within the village is hereby established at thirty (30) miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule II (§ 239-32), attached to and made part of this chapter, shall be as indicated in said schedule.

**§ 239-6. School speed limits.**

No person shall drive a vehicle at a speed in excess of that indicated in Schedule III (§ 239-33), attached to and made a part of this chapter, in the areas described in said schedule, during school days between the hours of 7:00 a.m. and 6:00 p.m.

**§ 239-7. One-way streets.**

The streets or parts of streets described in Schedule IV (§ 239-34), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.

**§ 239-8. U-turns.**

No person shall make a U-turn on any of the streets or parts of streets described in Schedule V (§ 239-35), attached to and made a part of this chapter.

**§ 239-9. Prohibited turns at intersections.**

No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule VI (§ 239-36), attached to and made a part of this chapter.

**§ 239-10. Prohibited right turns on red signal.**

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule VII (§ 239-37), attached to and made a part of this chapter.

**§ 239-11. Through streets.**

The streets or parts of streets described in Schedule VIII (§ 239-38), attached to and made a part of this chapter, are hereby designated as through streets. Traffic control devices shall be installed on each street intersecting the through street.

**§ 239-12. Stop intersections.**

The intersections described in Schedule IX (§ 239-39), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

**§ 239-13. Yield intersections.**

The intersections described in Schedule X (§ 239-40), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

**§ 239-14. Trucks over certain weights excluded.**

Trucks in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule XI (§ 239-41), attached to and made a part of this chapter, except for the pickup and delivery of materials on such streets.

ARTICLE III  
**Parking, Standing and Stopping**

**§ 239-15. Application of Article.**

The provisions of this Article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

**§ 239-16. Parking prohibited at all times.**

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XII (§ 239-42), attached to and made a part of this chapter.

**§ 239-17. No stopping.**

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule XIII (§ 239-43), attached to and made a part of this chapter.

**§ 239-18. No standing.**

No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XIV (§ 239-44), attached to and made a part of this chapter.

**§ 239-19. Parking prohibited certain hours.**

No person shall park a vehicle between the hours specified in Schedule XV (§ 239-45) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.

**§ 239-20. No stopping certain hours.**

No person shall stop a vehicle during the times specified in Schedule XVI (§ 239-46) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.

**§ 239-21. No standing certain hours.**

No person shall stand a vehicle during the times specified in Schedule XVII (§ 239-47) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.

**§ 239-22. Time limit parking.**

No person shall park a vehicle for longer than the time limit shown in Schedule XVIII (§ 239-48) at any time between the hours listed in said schedule of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said schedule, attached to and made a part of this chapter.

**§ 239-23. Parallel parking.**

No person shall park a motor vehicle on any street in the Village of Sherburne, except parallel and close to the curb in single parking position. This shall apply to all streets of the Village of Sherburne and all portions of such streets where parking is not expressly prohibited by ordinance of the Village of Sherburne.

**§ 239-24. Loading zones.**

The locations described in Schedule XIX (§ 239-49), attached to and made a part of this chapter, are hereby designated as loading zones.

**§ 239-25. Taxi stands.**

The locations described in Schedule XX (§ 239-50), attached to and made a part of this chapter, are hereby designated as taxi stands.

**§ 239-26. Bus stops.**

The locations described in Schedule XXI (§ 239-51), attached to and made a part of this chapter, are hereby designated as bus stops.

ARTICLE IV  
**Removal and Storage of Vehicles**

**§ 239-27. Authority to impound vehicles.**

- A. When any vehicle is parked or abandoned on any highway or public parking lot within this village during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway or parking lot upon which said vehicle is parked or abandoned, said vehicle may be removed by or under the direction of the village.
- B. When any vehicle is found unattended on any highway or public parking lot within the village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by or under the direction of the village.

**§ 239-28. Storage and charges.**

After removal of any vehicle as provided in this Article, the village may store or cause such vehicle to be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the person with whom stored of the amount of all expenses actually and necessarily incurred in effecting such removal and

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storage, such storage charges not to exceed a fee as set by resolution of the Village Board of Trustees.

**§ 239-29. Notice of removal.**

It shall be the duty of the village to ascertain to the extent possible the owner of the vehicle or the person having the same in charge and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem the same. Said village shall also, without delay, report to the Village Clerk the removal and disposition of any vehicle removed as provided in this Article.

ARTICLE V

**Miscellaneous Provisions**

**§ 239-30. Penalties for offenses.**

Every person convicted of a traffic infraction for a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within eighteen (18) months thereafter, such person shall be punished by a fine of not more than two hundred dollars (\$200.) or by imprisonment for not more than forty-five (45) days, or by both such fine and imprisonment; upon a third or subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than three hundred dollars (\$300.) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

**ARTICLE VI  
Schedules**

**§ 239-31. Schedule I: Traffic Control Signals.**

In accordance with the provisions of § 239-4, traffic control signals shall be installed at the following described intersections:

**Intersection**

(Reserved)

**§ 239-32. Schedule II: Speed Limits.**

In accordance with the provisions of § 239-5, speed limits other than thirty (30) miles per hour are established as indicated upon the following streets or parts of streets:

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
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(Reserved)

**§ 239-33. Schedule III: School Speed Limits.**

In accordance with the provisions of § 239-6, no person shall drive a vehicle in excess of the speeds indicated below, in the areas designated below, during school days between the hours of 7:00 a.m. and 6:00 p.m.:

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
School Street	20	The approximate three-hundred-foot area established by lines projected from the school building to the street

**§ 239-34. Schedule IV: One-Way Streets.**

In accordance with the provisions of § 239-7, the following described streets or parts thereof are hereby designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits
Balch Lane	West	From the intersection of Balch Lane with NYS Route 12 to the intersection of Balch Lane with Canal Street

**§ 239-35. Schedule V: U-Turns.**

In accordance with the provisions of § 239-8, no person shall make a U-turn at any of the following locations:

Name of Street	Location
	(Reserved)

**§ 239-36. Schedule VI: Prohibited Turns at Intersections.**

In accordance with the provisions of § 239-9, no person shall make a turn of the kind designated below at any of the following intersections:

Name of Street	Direction of Travel	Prohibited Turn	Hours	At Intersection of
				(Reserved)

**§ 239-37. Schedule VII: Prohibited Right Turns on Red Signal.**

In accordance with the provisions of § 239-10, no person shall make a right turn when facing a steady red signal (stop indication) at any of the following locations:

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Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal Onto
NYS Route 12	Both	NYS Route 80
NYS Route 80	Both	NYS Route 12

§ 239-38. Schedule VIII: Through Streets.

In accordance with the provisions of § 239-11, the following described streets or parts thereof are hereby designated as through streets. Traffic control devices shall be installed on each street intersecting the through street:

Name of Through Street	Name of Entrance Street	Direction From Which Entering	Type of Traffic Control Device
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(Reserved)

§ 239-39. Schedule IX: Stop Intersections.

In accordance with the provisions of § 239-12, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
Balch Lane	West	Canal Street
Classic Street	Both	Park Avenue
Classic Street	Both	School Street
Park Avenue	Both	Classic Street
School Street [Added 8-30-1996]	Both	Classic Street and Champ Drive

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**§ 239-40. Schedule X: Yield Intersections.**

In accordance with the provisions of § 239-13, the following described intersections are hereby designated as yield intersections, and yield signs shall be installed as follows:

(Cont'd on page 23915)



**Yield Sign on**                      **Direction  
of Travel**      **At Intersection of**  
(Reserved)

**§ 239-41. Schedule XI: Trucks Over Certain Weights Excluded.**

In accordance with the provisions of § 239-14, trucks in excess of the weights indicated are hereby excluded from the following streets or parts thereof, except for the pickup and delivery of materials on such streets:

<b>Name of Street</b>	<b>Weight Limit (tons)</b>	<b>Location</b>
(Reserved)		

**§ 239-42. Schedule XII: Parking Prohibited at All Times.**

In accordance with the provisions of § 239-16, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Balch Lane	Both	Entire length
Canal Street	Both	From West State Street to the north end of Canal Street
Canal Street	Both	From West State Street to a point 276 feet from the center of West State Street on Canal Street
Chapel Street	North	From Mad Brook Bridge to a point 275 feet west thereof
Chapel Street	North	From South Main Street to East Street

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<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Chapel Street	North	From South Main Street to East Street South
Chapel Street	South	From the bridge crossing Mad Brook to the driveway leading to the parking lot provided for the community park and athletic field
Chapel Street	South	From the Sherburne Heights Bridge to the Mad Brook Bridge in the Village of Sherburne
Chapel Street	South	From a point 566 feet west of Sherburne Heights Road (north) to the village east boundary line
Chapel Street	South	From South Main Street to a point 90 feet east thereof
Chenango Avenue	North	From South Main Street to the village east boundary line
Church Street	North	From North Main Street to a point 362 feet east thereof
Church Street	South	From Park Avenue to Classic Street
Classic Street	Both	From East State Street to Church Street
Classic Street	Both	From East State Street to School Street
Classic Street	East	From the driveway of the Episcopal church on Classic Street to Knapp Street

Name of Street	Side	Location
East State Street	North	From Classic Street to a point 90 feet west thereof
East State Street	North	From East Street to the east boundary line of the Village of Sherburne
East State Street	North	From East Street North to the village east boundary line
East State Street	South	From the northwest corner of Gaines Park to Union Street
East State Street	South	From the northwest corner of the Gaines Park property to the village east boundary line
East State Street	South	From South Main Street to the west property line of the Sherburne Public Library; except parallel and close to the south curb in single parking position
East Street North	<sup>East</sup> West	From East State Street to the north end of East Street North
Gould Drive	Both	From North Main Street to the railroad property
Knapp Street	North	From North Main Street to Classic Street
Knapp Street	South	From North Main Street to Classic Street

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<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
NYS Route 12	West	From south of the intersection of NYS Routes 12 and 80 in the Village of Sherburne to the north side of the property line of the Village of Sherburne Electric Station
New Street	Both	Entire length
New Street	Both	From North Main Street to the east of New Street
North Main Street	East	From Church Street to School Street
North Main Street	East	From Church Street to the junction of Route 12 and 12B at the north end of the village
North Main Street	West	From Spinner Court to a point 250 feet south thereof
North Main Street	West	From Taco Street to a point 90 feet south thereof
Park Avenue	South	From Church Street to Classic Street
School Street	North	From Classic Street to North Main Street
School Street	North	From North Main Street to the westerly entrance of the Sherburne-Earlville High School building
Sherburne Heights Road (north)	Both	From Chapel Street to Chenango Avenue
South Main Street	East	From the village south boundary line to a point 355 feet south of East State Street

**§ 239-42. Schedule XII: Parking Prohibited at All Times.**

In accordance with the provisions of § 239-16, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

<b>Name</b>	<b>Side</b>	<b>Location</b>
Balch Lane	Both	Entire Length.
South Street	North	From South Main Street to Union Street.
South Street	North	Beginning at a point 100 feet east of the center line of South Main Street to South Main Street.
South Street	North	Beginning at a point 180 feet west of the center line of Union Street to Union Street.
South Street	South	From South Main Street to Union Street.



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§ 239-42. Schedule XII: Parking Prohibited at All Times.

Name	Side	Location
East Street North	East	Beginning at a point 350 feet north of the center line of East State Street to a point 190 feet north thereof.
	<i>West</i>	

*From East State Street  
to Summit Street*

23918.2

06-07-04

*08-21-23*



**§ 239-44. Schedule XIV: No Standing**

In accordance with the provisions of § 239-18, no person shall stand a vehicle upon any of the following described streets or parts thereof:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
West State Street	North	From the West curb line of North Main Street, westerly 140 feet.
West State Street	South	From the West curb line of South Main Street, westerly 170 feet.



<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
South Street	North	From South Main Street to Union Street
Summit Street	North	From Classic Street to East Street North
Taco Street	Both	From North Main Street to the Taco property
Union Street	West	From South Street to East State Street
West State Street	North	From North Main Street to a point 72 feet west thereof

**§ 239-43. Schedule XIII: No Stopping.**

In accordance with the provisions of § 239-17, no person shall stop a vehicle upon any of the following described streets or parts thereof:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
(Reserved)		

**§ 239-44. Schedule XIV: No Standing.**

In accordance with the provisions of § 239-18, no person shall stand a vehicle upon any of the following described streets or parts thereof:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
(Reserved)		

**§ 239-45. Schedule XV: Parking Prohibited Certain Hours.**

- A. No automobile, car, truck or other vehicle, either horse-drawn or self-propelled, shall be parked on any of the

streets in the Village of Sherburne between the hours of 2:00 a.m. and 6:00 a.m. during the year.

- B. No automobile, car, truck or other vehicle, either horse-drawn or self-propelled, shall be parked on any street in the Village of Sherburne between the hours of 11:00 p.m. and 6:00 a.m. from November 1 to April 30 of each and every year.
- C. In accordance with the provisions of § 239-19, no person shall park a vehicle between the times specified upon any of the following described streets or parts thereof:

Name of Street	Side	Hours/Days	Location
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(Reserved)

**§ 239-46. Schedule XVI: No Stopping Certain Hours.**

In accordance with the provisions of § 239-20, no person shall stop a vehicle between the times specified upon any of the following described streets or parts thereof:

Name of Street	Side	Hours/Days	Location
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(Reserved)

**§ 239-47. Schedule XVII: No Standing Certain Hours.**

In accordance with the provisions of § 239-21, no person shall stand a vehicle between the times specified upon any of the following described streets or parts thereof:

Name of Street	Side	Hours/Days	Location
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(Reserved)

**§ 239-48. Schedule XVIII: Time Limit Parking.**

In accordance with the provisions of § 239-22, no person shall park a vehicle for longer than the time limit specified upon any of the following described streets or parts thereof:

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**§ 239-48. Schedule XVIII: Time Limit Parking.**

In accordance with the provisions of § 239-22, no person shall park a vehicle for longer than the time limit specified upon any of the following described streets or parts thereof:

<b>Name of Street</b>	<b>Side</b>	<b>Time Limit; Hours/Days</b>	<b>Location</b>
West State Street Parking Lot	West	2 hrs.; All/All	Four (4) parking space along the easterly face of the property at 10 West State Street



<b>Name of Street</b>	<b>Side</b>	<b>Time Limit; Hours/Days</b>	<b>Location</b>
East State Street	Both	2 hrs.; All/All	From Main Street to Classic Street
North Main Street	Both	2 hrs.; All/All	From State Street to the north end of the Kehoe Block (post office)
North Main Street	West	2 hrs.; All/All	From the south property line of John Dinneen to the intersection of state Highways 12 and 12B
South Main Street	Both	2 hrs.; All/All	From State Street to the south end of Dr. Charles Bubuar's residence
South Main Street	West	15 mins.; All/All	From the south crosswalk at the intersection of South Main Street and West State Street to a point 40 feet south thereof
West State Street	Both	2 hrs.; All/All	From Main Street to the Delaware, Lackawana and Western Railroad tracks

**§ 239-49. Schedule XIX: Loading Zones.**

In accordance with the provisions of § 239-24, the following described locations are hereby designated as loading zones:

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**Name of Street      Side      Location**  
(Reserved)

**§ 239-50. Schedule XX: Taxi Stands.**

In accordance with the provisions of § 239-25, the following described locations are hereby designated as taxi stands:

**Name of Street      Side      Location**  
(Reserved)

**§ 239-51. Schedule XXI: Bus Stops.**

In accordance with the provisions of § 239-26, the following described locations are hereby designated as bus stops:

**Name of Street      Side      Location**  
(Reserved)