

PUBLIC WORKS PERMIT REQUIREMENTS

Payment of fee does not constitute issuance of a permit. No work is to be done within the city right-of-way until you receive a copy of the permit signed by the City Clerk and City Engineer. Complete application and pay appropriate fee at the City Clerk's Office at least 24 hours prior to commencing any work. City right-of-way widths vary so if you should have any questions please contact the City Engineer's Office @ 736-4014.

The City of Johnstown must be named as additional insured on your insurance policy for the entire time that work is being performed.

1. Sidewalk / Driveway / Curb Cut / Tree Removal:

Contractor or property owner shall indemnify the City of Johnstown with a policy of general liability insurance in the amount of \$300,000 for property damage and \$250,000 coverage for personal injury per occurrence and either an endorsement thereon to include the city under the coverage provided in said policy or a regular contractor's contingent liability policy naming the city as one of the insured in said policy also protecting the City of Johnstown against any claims or damages arising from performance of the work specified.

2. Street Opening and / or Right of Way:

Upon express condition before the commencement of such work the said grantee shall furnish to the city a bond executed by the applicant and two (2) sureties approved by the mayor or a surety company authorized to do business in the state, in the penal sum of five thousand dollars (\$5,000), or such person must furnish to the city an endorsement on a liability policy of insurance on which said policy such person shall be named assured and the limits of which said policy shall be in the amount of two hundred and fifty thousand dollars (\$250,000.00) and five hundred thousand dollars (\$500,000.00) for bodily injury and three hundred thousand dollars (\$300,000.00) property damage, and which paid endorsement shall name the city as an additional assured. It is further understood that this permit is valid for thirty (30) days from date of issue.

Contractor or property owner agrees to indemnify the City of Johnstown for any loss incurred by the said city to any of its property resulting from performance of the work or any part thereof.

Barriers will be placed at each end of said work area and in front thereof, of sufficient width and height, made of suitable material to prevent pedestrian travel beneath or near the work area; but leaving a least four (4) feet in said sidewalk for pedestrian travel. Said barriers shall have a least two (2) red lanterns, one at each end, which must be kept in order and lighted at darkness.

CONSTRUCTION AND REPAIR OF SIDEWALKS

§ 267-26 Grade to be established.

No person shall hereafter construct a new sidewalk without first making application to the City Engineer for the purpose of establishing a grade.

§ 267-27 Permit prerequisite to commencing work; fee.

[Amended 3-10-1986 by Ord. No. 1986-7; 3-16-2020 by Ord. No. 2-2020; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. All persons constructing, reconstructing, or resurfacing sidewalks shall, after the establishing of the grade and before commencing such work, inform the City Engineer of the date(s) that such work shall commence and obtain from the City Engineer a permit therefor.

B. The City Engineer shall cause a fee as set by resolution of the Common Council to be collected for construction and/or repair to a sidewalk.

§ 267-28 Work subject to inspection; approval of City Engineer.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Upon obtaining the permit required in § 267-27, the work shall be commenced and carried on, subject to the inspection and approval of the City Engineer. Existing or new grades shall be established by the City Engineer. Grade shall be checked on formwork prior to pouring concrete and again after pouring to verify conformance to established grades. Deviation from established grades in excess of plus or minus 1/8 inch will not be acceptable. Deviation from established alignment in excess of 1/4 inch will not be acceptable.

§ 267-29 Materials prescribed; specifications adopted.

[Amended 11-5-1990 by Ord. No. 1990-13; 1-19-1994 by Ord. No. 1994-1]

All sidewalks in the City shall be constructed with poured-in-place portland cement concrete, in accordance with specifications hereinafter set forth.

§ 267-30 Construction, resurfacing to comply with specifications.

Upon the grade being established as provided in § 267-26, any person who shall construct a new sidewalk shall conform to the following for construction prescribed in this article.

§ 267-31 Width of sidewalks.

When constructed pursuant to an ordinance of the Common Council, a sidewalk to be constructed shall be of the width prescribed herein, and when constructed at the instance of the property owner, the sidewalk shall be of the same width as that of the widest sidewalk on the same side of the street and in the same block, but in no event shall the width exceed six feet on any residential street.

§ 267-32 Construction or resurfacing with concrete.

[Amended 11-5-1990 by Ord. No. 1990-13; 1-19-1994 by Ord. No. 1994-1]

A. All sidewalks shall be constructed of 500 PSI portland cement concrete of not less than four inches thickness, and all concrete shall be Class A in accordance to New York State Department of Transportation specifications.

B. Concrete shall be placed in one course to the minimum four-inch thickness. Wire fabric shall be placed at mid-depth. Fabric shall be 10 gauge minimum cold drawn welded steel. Fiber reinforced concrete will be an acceptable material in absence of wire fabric reinforcement.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

C. Transverse construction joints shall extend to the full depth of the slab and placed 15 to 18 feet apart. Joints shall be filled with 5/8 Homesote or premolded bituminous joint filler.

D. The edges of such joints shall be finished with an edging tool having a one-quarter-inch radius.

E. The concrete surface shall be scored at intervals of four to six feet so that the finished walk will be marked in squares. The concrete shall be finished to produce a smooth or slightly brushed uniform surface.

§ 267-33 Expense of construction and resurfacing.

All sidewalks constructed, including those directed to be done by ordinance of the Common Council, as provided in the Charter of the City, shall be done at the expense of the owner of the abutting premises.

§ 267-34 Violations.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The construction, reconstruction, or resurfacing of any sidewalk in any manner or with material other than provided herein, or in violation of the specifications herein, is prohibited; and any person constructing, reconstructing or resurfacing a sidewalk in a manner violating this article shall remove and replace the sidewalk or reconstruct, or resurface the same in the manner and in accordance with the requirements of the City Engineer and the specifications as o

TREES AND SHRUBS

§ 285-1 Jurisdiction and authority of City Engineer.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The City Engineer shall have exclusive jurisdiction, authority, control, supervision and direction over all trees, plants and shrubs, planted or growing in or upon the public highways and public places and/or rights-of-way of the City and the planting, removal, care, maintenance and protection thereof.

§ 285-2 Regulations for planting, trimming and care of trees.

The following regulations are hereby established for the planting, trimming and care of trees in or upon the public highways and public places of the City:

A. Diameter of trunk. Trees must not be less than one inch in diameter of trunk one foot above the ground.

B. Stakes. All trees from one to three inches in diameter of trunk one foot above the ground must be protected and supported by tree guards. When guarded with one stake only, the stake must be toward the prevailing wind.

C. Location at, near intersections. No tree shall hereafter be planted at the intersection of two or more streets or within 20 feet of such intersection.

D. Removal of stumps. In cutting down trees, the same must be removed with the root stump grubbed out when so required by the City Engineer.

E. Waterproofing cuts. All cuts above one inch in diameter must be waterproofed.

F. Distance between trees. Trees shall hereafter be planted at least 30 feet apart except when a special permit is obtained from the City Engineer.

G. Clear space from curb to sidewalk. No tree shall be planted where the clear space between the curb and the sidewalk is less than three feet.

H. Soil standards. No tree shall be planted where the soil is too poor to insure the growth of such tree unless the owner excavates a suitable hole of not less than 36 cubic feet and replaces the material removed with suitable loam or soil stripped from pasture land or as otherwise approved by the City Engineer.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

I. Distance from curb, sidewalk. No tree shall be planted nearer than one foot from the curblin e or outer line of the sidewalk unless a special permit is granted by the City Engineer.

J. Type regulated. No tree shall be planted on any street, or public place or right-of-way except of the variety selected by the City Engineer for that street.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

[§ 285-3 Trimming of shade and ornamental trees required.](#)

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every owner or occupant of premises within the City shall keep the shade and ornamental trees in the public streets in front of said premises trimmed, so that the branches thereof shall not be lower than 10 feet from the surface of the ground, and so as not in any manner to interfere with or obstruct the light from the public lamps in said streets, limit or otherwise restrict view of traffic when traversing the public streets or lanes, or when entering or exiting parking lots, driveways, crosswalks or other such locations where traffic is required to cross, enter, or exit a separate lane of traffic or to obstruct or hinder public travel on any of said streets or sidewalks thereof.

[§ 285-4 Permits for trimming and removing trees; fees.](#)

[Amended 3-10-1986 by Ord. No. 1986-7; 3-24-1986; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Scope of section. No person, other than an employee of the City in the course of his/her employment, shall cut down trees or trim limbs having a diameter of more than one inch upon any tree and which limbs are higher than 15 feet above the surface of the ground, growing in or upon the public streets or highways or public places or rights-of-way of the City, or any trees adjoining such public streets, highways or public places or rights-of-way so that any portion of the limbs thereof or the tree itself may fall within any public street, highway or place or rights-of-way of the City, without first obtaining a permit from the City Engineer in writing, and subject to the conditions hereinafter set forth.

B. Bond insurance prior to issuance of permit. Such permit shall be granted only to a duly qualified person, limited to a calendar year, upon such person furnishing to the City a bond executed by the applicant and two sureties approved by the Mayor or a surety company authorized to do business in the state in the penal sum of \$5,000, or in the alternative upon such person furnishing to the City an endorsement on a liability policy of insurance on which said policy such person shall be named assured and the limits of which said policy shall be in the amount of \$250,000 and \$500,000 for bodily injury and \$300,000 property damage, and which said endorsement shall name the City as an additional assured, conditioned that the applicant shall well and faithfully comply with the ordinances of the City and the rules, regulations and directions of the City Engineer and shall indemnify and save harmless the City from all cost, loss or damage which it may sustain or become liable for on account of any accident or otherwise, occasioned directly or indirectly by the work done under or pursuant to any such permit and growing out of the same, and shall promptly pay upon demand by the City Engineer any and all expense that may be incurred for the repair, reconstruction, or restoration of any pavement, crosswalk and/or sidewalk which may be damaged as a result of such work and the removal of all debris which may be left in and upon the street by such person.

C. Special application. In addition to the annual permit herein provided, a special application must be made to the City Engineer for each job undertaken, setting forth the nature and extent of the work to be done, the location where the same is done, the time when work is expected to be commenced, and the consent of the City Engineer obtained.

D. Fee. Such a permit shall be granted to an applicant only upon payment of a fee as set by resolution of the Common Council to the City Clerk.

[§ 285-5 Power to plant, trim, spray, remove and preserve trees in public places.](#)

A. The City Engineer shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lands, lanes, squares and public grounds or rights-of-way, as may be necessary to insure safety or preserve the symmetry and beauty of such public grounds.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

B. The City Engineer under the power here given may remove or cause or 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 sewers or other public improvements, or is affected with any injurious fungus, insect or other pest.

[§ 285-6 Authority to trim, treat, remove tree or shrub on private property.](#)

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Whenever in the opinion of the City Engineer trimming, treatment or removal of any tree or shrub located on private grounds shall be deemed wise the City Engineer shall have power to trim, treat or remove or any such tree or shrub or cause or order the same to be trimmed, treated or removed.

[§ 285-7Right of entry to spray, treat trees and shrubs.](#)

The City Engineer shall have the power to enter upon any private grounds in the City, and to spray or otherwise treat or cause or order to be sprayed or otherwise treated, any tree or shrub or plant infected or infested by any parasite or insect pest when it shall be necessary in his/her opinion so to do, to prevent the breeding or scattering of any parasite or animal pest, and to prevent danger therefrom to trees and shrubs planted in the public streets or other public places.

[§ 285-8Certain trees prohibited.](#)

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be unlawful for any person to plant or have or keep growing a poplar, box alder, bass wood, willow, or evergreen trees within any public highway or upon any public place or within any public rights-of-way anywhere within the limits of the City, the roots of which will penetrate over, on or under the surface of any public highway or other public place or right-of-way.

[§ 285-9Removal of prohibited trees.](#)

A. Notice required. The City Engineer is hereby authorized, empowered and directed to cause to be served upon the owner of any premises having thereon any tree or trees enumerated in § [285-8](#), a notice directing such owner to remove such tree or trees within 10 days after the receipt thereof.

B. Service of notice. Such notice may be served by delivering the same personally to such owner, or by leaving the same with any person of suitable age and discretion residing at or upon such premises, or by affixing the same to such premises in a conspicuous place thereon, or by sending the notice via both certified and regular US mail to the last known address of the owner or agent of the premises.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

C. Removal by City. If at the expiration of such period, the owner of such premises shall not have removed such tree or trees or cause the same to have been removed the City Engineer is hereby authorized, directed and empowered to enter upon such premises and remove such tree or trees.

D. Cost of removal by City. The City Engineer shall thereafter mail to the owner or agent of such premises at his/her last known address a statement of the cost and expense of removing such tree or trees with the demand that the owner or agent pay to the City Treasurer within 30 days from the date of such statement the amount thereof, and if such amount shall not have been paid within 30 days, the cost and expense of doing such work shall be collected in an action at law and said City is hereby authorized and empowered to prosecute and maintain an action therefor or to become a lien upon such property, to be included in the next annual tax bill rendered to the owner thereof unless paid before, and shall be collected in the same manner as other taxes against such property.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

[§ 285-10Notice to remove tree.](#)

Notice to remove a tree shall be served personally at least 10 days before such removal on the owner or agent of the property or abutting property as the case may be, unless in the opinion of the City Engineer immediate removal is necessary for the public safety.

[§ 285-11Cost of removal of tree by City.](#)

The cost of removal of a tree by the City Engineer shall be a charge upon the real property on or in front of which such tree shall be removed. Such cost shall be certified by the City Engineer to the City Treasurer and shall thereupon become and be a lien upon such property, to be included in the next annual tax bill rendered to the owner thereof unless paid before, and shall be collected in the same manner as other taxes against such property.

[§ 285-12 Interference with City Engineer.](#)

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be unlawful for any person to prevent, delay or interfere or cause or authorize or procure any interference or delay with the City Engineer or any of his/her employees, agents or servants, while they are engaged in and about the planting, cultivating, mulching, pruning, spraying, maintaining or removing of any trees, plants or shrubs as authorized in this article, or in removing any device attached to such tree, plant or shrub or in such removing of a stone, cement, sidewalks or other materials or substances as may be necessary for the protection and care of any such trees, plants or shrubs in accordance with the requirements set forth in §§ [285-5](#) through [285-7](#) and §§ [285-10](#) and [285-11](#) as to the area of open grounds to be maintained about the base of the trunk of each tree in the public highway or other public place of the City.

[§ 285-13 Penalties for offenses.](#)

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating any of the provisions of this chapter, as defined herein, shall be guilty of a violation punishable by a fine in accordance with applicable local, state, or federal statutes or other applicable civil or criminal actions in accordance with local, state, and federal laws, or both.