

VILLAGE OF TANNERSVILLE  
LOCAL LAW #4 OF 1992  
STREET EXCAVATION LAW  
(Regulating The Excavation of Village Streets)

SECTION 1 LEGISLATIVE INTENT

The Village of Tannersville recognizes that the unregulated excavation of village streets by private parties is a detriment to the safety and general welfare and vested interest of the citizens of the Village. In order to provide for the responsible protection of Village streets, to promote uniform quality of roadwork, including excavation, fill, and replacement topping requirements and specifications, and to avoid Village exposure to personal and/or property damage liability claims, it is necessary to regulate the excavation of Village streets.

SECTION 2 DEFINITIONS

- 1) "Applicant" shall mean that party filing the application.
- 2) "Emergency" shall mean those occasions when the public health and safety dictate that work be commenced immediately.
- 3) "Excavation" shall mean any intentional disturbance of the surface of the ground by any construction method within the boundary of a public street maintained by the Village of Tannersville.
- 4) "Street" shall mean a public street of the Village of Tannersville.
- 5) "Village" shall mean the Village of Tannersville.

SECTION 3 PERMIT REQUIRED

- 1) All persons are required to obtain a Village of Tannersville Roadwork Permit prior to conducting any roadwork within the bounds of any Village right-of-way, including driveway curb cuts.
- 2) Written permission in the form of an approved Village of Tannersville Roadwork Permit is the only valid permission obtainable to conduct such roadwork. No person or party is authorized to issue oral or spoken permission as the sole basis for granting roadwork authority, and such oral permission is invalid and not to be acted upon.
- 3) The Village Board may, upon recommendation of the Street Superintendent, or in its own discretion, withhold issuance of any permit, pending a formal review at a regular Board meeting (Second Monday of the Month, 8 p. m.)

SECTION 4 APPLICATION FOR ROADWORK PERMIT

- 1) All projects must show a demonstrated need of why the roadwork is necessary.
- 2) All applications for a Roadwork Permit shall be accompanied by a line drawn map legibly showing dimensions, including depth, and the location of the proposed excavation and its distance from the nearest road intersection.
- 3) Proof of insurance, in the form of a policy binder with paid receipt, naming the Village of Tannersville as co-insured, and certifying that the contractor who is engaged to perform the roadwork has liability damage coverage of no less than three hundred-thousand dollars (\$300,000) and New York State mandatory worker injury compensation and disability coverage, is mandatory. No Roadwork Permit shall be issued without the required proof of insurance.
- 4) The party executing the application and receiving the permit shall indemnify the Village of Tannersville for the cost and

repair of damage to any other utility or infrastructure during the permitted roadwork.

- 5) The Village Board shall make available by June 1 of each year, a finalized Annual Village Paving Schedule, for use by area contractors in correlating their construction location schedules.
- 6) The Village Board desires that applications for Roadwork Permits be filed as early as possible in order that the Village may use this information in compiling its Annual Paving Schedule.
- 7) Each Roadwork Permit shall be issued for a specific period of construction within an overall window of specified opportunity to permit the contractor the necessary minimal adjustment for weather and/or work conditions. If inclement weather or overly wet soil conditions prevent performance of excavation within the permitted window of opportunity, the applicant or contractor shall, upon request to the Village Clerk by supplying a statement of need with supporting reasons, receive reissuance of the permit for a new specified window of opportunity.
- 8) Application for a Roadwork Permit may be picked up at the Village Hall during normal business hours. A completed application submitted to the Village Hall shall be reviewed by the Village of Tannersville Street Superintendent for his approval, with site inspection as necessary, prior to issuance of the permit by the Village Clerk. The Village Clerk shall issue no permit prior to written approval and recommendation to issue from the Street Superintendent. Where practicable, all roadwork permits shall be acted upon within five working days of receipt.
- 9) The Village Board, in its discretion, may require that a contractor's work be supervised by the Street Superintendent or his designee. If such determination be made, then a monitoring fee deposit, not exceeding \$500 (five hundred dollars), shall be made with the Village Clerk at the time of permit issuance. Said funds shall be used for the purpose of reimbursing the Village for the cost of providing this supervision, and shall be billed at a rate of \$20 (twenty dollars) per hours.
- 10) Work references, job history, and/or a performance bond may be required at the discretion of the Village Board.

#### SECTION 5 PROHIBITIONS

- 1) No Roadwork Permits shall be issued between the first of October and the first of May each year, Emergencies excluded.
- 2) No roadwork is to be initiated upon the assumption that it is an Emergency. For any situation requiring timely remediation of a problem, excepting those for water, sewer, or utility companies, a Village Board member is to be contacted, who will then assemble the remaining Board members for an Emergency Board meeting to issue the required permit. In the case of water, sewer, or utility companies needing to perform timely remediation, such company may validly declare an Emergency, perform the necessary repair and roadwork, and inform the Village Board on or by the next working day.
- 3) Issuance of a valid Roadwork Permit does not authorize overnight closing of any Village road or street for repair or construction. No Village road or street shall be closed overnight, except validly declared Emergencies.
- 4) No tamping shall be done with a backhoe bucket or any other type of bucket. All ditches must be machine tamped, with maximum fill layers of six (6) inches or less.
- 5) No ditch is to be backfilled prior to inspection by the Street Superintendent or his designee.
- 6) No treaded, cleated, or otherwise non-wheeled construction machine or equipment of any nature is, at any time, to travel or ride upon the surface of any Village street without suitable planking, plywood, or other protective material first being laid down.

## SECTION 6 CONSTRUCTION

- 1) Proper barricading and lit warning devices shall be required.
- 2) When connecting into a Village street on a descent, all private roadways or driveways must, directly above the location of the intersecting roadway's culvert, dip slightly lower than the surface of the Village street before rising to meet it, in order that runoff water from the driveway or private roadway does not undermine the paved surface of the Village street.
- 3) As per Village Road Dedication Law, appropriate culvert size shall be at the direction of the Street Superintendent on a case by case basis, with final approval, as necessary, at the instruction or discretion of the Village Board.
- 4) All sewer line passing beneath a Village street must have a minimum 2% (two percent) grade or pitch to ensure flow.
- 5) When filling around pipe work, washed sand is to be placed in two six (6) inch layers, separately tamped, underneath, on both sides, and on top of the pipe work, so that the resultant area around the pipe work is one (1) foot of washed sand in any direction. For overall fill on major installations, screened run-of-bank gravel may be used, to be applied in six (6) inch layers and tamped, with no flooding. For single installations or repairs, manufactured Item 4 crushed stone shall be placed in six (6) inch layers and either tamped or flooded.
- 6) All fill must be inspected for quality by the Street Superintendent prior to use.
- 7) All excavations must be resurfaced or equal or exceed the existing condition of the street topping prior to excavation.
- 8) Per Local Law # of 1991, an additional permit, entitled Village of Tannersville Watercourse Permit, is required to be obtained from the Village Clerk to construct or place any ditch, pipe, culvert, or artificial watercourse of any kind, which shall collect and direct the flow of surface waters or drainage from paved surfaces, structures, roads, or improvements, directly into any stream, ditch, culvert, pipe, watercourse, or other drainage system. All applications for Watercourse Permits shall be in writing on a form provided by the Village Clerk, and shall be accompanied by a plan.

## SECTION 7 VIOLATIONS; PENALTIES

Any contractor exceeding the specified construction period, as defined in Section 4.7 of this Local Law, shall be fined \$50 per day for each day or portion of day that the work remains uncompleted, unless; in the opinion of the Board, such delay is not the fault of the contractor. Any other violation of this Local Law shall be deemed an offense, punishable by a fine not to exceed \$250.

In the event that the Village of Tannersville need employ its resources to restore a street to proper condition by virtue of the contractor failing to do so, then the cost of said construction shall be the joint and several liability of both the applicant and the contractor.

## SECTION 8 SEVERABILITY

In the event that any part of this law shall be deemed unconstitutional pursuant to the Constitution of the United States or the State of New York, only that section or portion thereof shall be invalid, and the remaining sections shall be unaffected thereby.

## SECTION 9 EFFECTIVE DATE

This Local Law shall take effect upon filing in the Office of the Secretary of State.