

VILLAGE OF ISLAND PARK
LOCAL LAW NO. 11 OF THE YEAR 2006

A local law Excavation in Streets

Be it enacted by the Mayor and Board of Trustees of the Village of Island Park as follows:

In order to protect the Village of Island Park and to update laws on the Excavation in Streets, the following Local Law No. 11 of the year 2006 is enacted.

Section 1: Definitions

As used in this local law, the following definitions shall have the meanings given:

VILLAGE CLERK: The Village Clerk of the Village of Island Park or her/his designated representative.

HIGHWAY: Any Street, roadway or highway maintained by the Village of Island Park

PERSON: Any individual, association, corporation, firm, partnership or any other entity.

SIDEWALK: Shall include all land lying between the curblines of the public way, and the building line of the premises abutting thereon which has been surfaced or improved with concrete or other paving material.

VILLAGE: The incorporated area located within the geographical boundary of the Village of Island Park.

Section 2: Permit required for highway and sidewalk excavation.

A person, public service, water, light or power company and a person performing work on behalf of a municipal corporation shall not excavate in any highway; or sidewalk in the Village for any purpose without first obtaining a permit from the Village Clerk, as hereinafter provided.

Section 3: Application for Permit

- A. A written application shall be filed with the Village Clerk, stating the purpose, extent, location and nature of a proposed excavation or other disturbance of a highway or sidewalk in the village except where an excavation or disturbance shall be directly authorized by law. The Village Clerk shall require the applicant to post a performance bond in the amount of ten thousand (\$10,000) dollars, which shall initially be deemed to be adequate to pay said expense upon the condition that the permittee replace the highway or sidewalk, pavement, curb or gutter in proper condition or pay all expenses to which the Village may be put to replace the highway or sidewalk pavement, curb or gutter in proper condition within one (1) month following the satisfactory completion of the project.

- B. Each applicant shall take out and maintain during the terms of the permit and until the site is restored to proper condition, a public liability insurance policy with an insurance carrier acceptable to the Village, and this policy shall insure the Village of Island Park, its agents, servants and or employees and the Village Clerk with policy limits of not less than five million (\$5,000,000) dollars per occurrence and have at least a ten million (\$10,000,00) dollar aggregate. This insurance shall protect for at least these policy limits against personal injuries, wrongful death and property damage. The insurance shall provide that any employee exclusion be voided. There shall also be provided in the insurance policy in the aforesaid amounts, completed operation coverage which shall continue after all work is completed. Such insurance policies shall cover any liability which may arise from operations under the permit whether such operation are by the permittee or the Village of Island Park, its agents, servants and or employees and the Village Clerk. Such insurance policies shall be issued in the name of the Village of Island Park, its agents, servants and or employees and the Village Clerk. These policies must be filed with the Village Clerk before any permits shall be issued.

Section 4. FEES:

- A. Except as otherwise provided by Law, or where permits as above are granted for work done at the direction of the Village Clerk, each application

for such permit shall be accompanied by a fee of eighty (\$80.00) dollars for each excavation, to be paid to the Village. The fee and permit herein required shall be in addition to permits required for construction of any sidewalk, curb cut, or driveway.

- B. A fee of two hundred fifty (\$250.00) dollars shall accompany each application when an excavation constituting a continuous trench measures more than twenty-five (25) feet. If a continuous trench spans more than one hundred (100) feet, the fee will be an additional two hundred fifty (\$250.00) dollars for each additional one hundred (100) feet or any part thereof.

Section 5. Street Opening Regulations and Restrictions:

- A. Safety codes. The permittee, his agents and employees shall strictly comply with all laws, rules and regulations including the:
 - (1) United States Department of Labor, Bureau of Labor Standards, Safety and Health Regulations for Construction, as promulgated in accordance with the Occupational Safety and health Act of 1970, Public Law 91596:84 Stat. 1590, Laws of 91st congress, 2nd Session; and
 - (2) Industrial Code Rules 23: State of New York, Department of Labor, Bureau of Standards and Appeals entitled "Protection of Persons Employed in Construction and Demolition Work."
- B. Emergency opening. If it becomes necessary to enter upon a Village Highway for the purpose of making emergency repairs, any person, public utility, municipality and or municipal subdivision may do so forthwith, provided that within twenty-four (24) hours of the time of making such openings (Saturdays, Sundays or holidays not included) an application for a permit is made thereof pursuant to these rules and regulations.
- C. Openings n newly constructed or resurfaced highways. No excavation shall be permitted on any newly constructed or resurfaced highway for a period of not less than five (5) years. This subsection does not include

any excavation on the right of way abutting said newly constructed or resurfaced highway, or excavation for emergency repairs. Should such an opening be required for emergency purposes, the restoration plans must be reviewed and approved by the Village Clerk.

D. Notification

- (1) The Village Clerk shall receive at least seventy-two (72) hours' advance written notice, except for emergency work, including a diagram, engineering drawings or the equivalent thereof, of the proposed excavation in any Village highway or sidewalk area.
- (2) Work must commence within thirty (30) days from the date of the permit and be satisfactorily restored within ninety (90) days thereafter unless otherwise extended, in writing, by the Village Clerk.
- (3) Residents of the project areas must be notified of intentions to close off driveways by use of a form approved by the Village Clerk. The permittee shall prepare the necessary number of copies of said form on their own letterhead and distribute the same to the homeowners at least forty-eight (48) hours in advance.

Section 6. Maintenance of traffic and protection of the public:

The following work procedures and construction practices shall be adhered to in order to assure proper maintenance or traffic.

- A. In those areas where work performed by the permittee interferes with vehicular or pedestrian traffic, the permittee shall place and maintain traffic control devices pursuant to and consistent with the requirements of the New York Vehicle and Traffic Law of the State of New York including provisions SS 1680 and 1682 of the Vehicle and Traffic Law of the State of New York, which require that all traffic control associated with maintenance, repair and construction within the highway limits shall be carried out in accordance with standards set forth in the New

York State Manual of Uniform Traffic Control Devices, latest edition. The Village Clerk reserves the right to order the correction of any unsafe condition or the installation of additional signs, lights, temporary pavement, plating or other traffic control devices or to order the removal of any and or all obstructions to traffic.

- B. The permittee may be required to submit with the permit application a traffic control plan showing all provisions for maintaining, protecting and or detouring of traffic. Such plan shall show, but not be limited to, all signs locations, sizes, colors, barricades, markings, etc., and all in accordance with the above referenced New York State requirements.
- C. Whenever traffic lane is closed or traffic is required to use other than its normal lanes, the local police precinct, fire district and school district must be notified in advance by the permittee and or those doing the work.

Section 7. Detail of Construction:

- A. All procedures and materials shall be in conformance with the latest edition of the Nassau County Specifications for Construction of Highways and Bridge and the Nassau County Traffic Signal Specifications as prepared by the Nassau County Department of Public Works.
- B. As upon request by the Village Clerk, a schedule of operations shall be submitted by the permittee.
- C. No Village highway shall be closed without prior written notice to and approval of the Village Clerk.
- D. No trench area shall be left open after working hours.
- E. A space of at least four (4) feet wide shall be maintained at all times on the side of the right-of-way for the safe use of pedestrians.

- F. Trench areas shall be kept open as short a time as possible consistent with the installations involved.
- G. In no case shall sidewalks or pavements be removed or broken unless all subsequent activities needed to complete the permit work proceed without delay thereafter, where concrete pavement is broken and left in place prior to removal, these pavement areas shall be resurfaced with a temporary asphalt pavement before opening traffic.
- H. Every precaution shall be taken to prevent the marring or damage to structures such as pavements, curbs, sidewalks, etc. abutting the work as follows:
 - (1) Timber planks shall be used to support steel-treaded mobile equipment, and timber blocks or planks shall be placed under all outriggers used to stabilize excavation and other mechanical equipment.
 - (2) Loose stones, broken concrete, sand, dirt, debris, etc., shall be swept up daily from the areas adjoining the work.
 - (3) Under no circumstances shall the mixing of mortar or concrete or the storage of asphalt be permitted directly on unprotected surfaces adjoining the work.
- I. Immediately following saw cutting, all residue shall be flushed, swept and removed from adjoining surfaces.
- J. All possible care shall be taken to prevent undermining of the adjoining pavement. The use of driven sheeting may be required to prevent such undermining. Any such undermining shall be deemed sufficient reason for the issuance of orders to remove additional pavement.
- K. The permittee shall have a competent representative at the site while the work is in progress to ensure adherence to the conditions of the permit.

- L. The permittee shall provide and maintain temporary pavement with hot asphalt mixes and they should be flush with the grades of the adjoining surfaces until final restoration.
- M. Neither a transverse road opening, nor a road opening within an intersection, may exceed one-third (1/3) the width of the highway, nor shall any more than that same length be blocked by construction, truck loading or unloading or by construction materials and barricades at any one time.
- N. All existing traffic signs temporarily removed from construction shall be carefully stored and must be reinstalled upon completion of work.
- O. All restorations shall be cut back a minimum of twelve (12) inches on each side of the excavation as necessary to avoid ragged edges on the restored area. The area to be restored shall be increased as necessary to avoid residual strips of existing pavement of less than three (3) feet in the smaller dimension.
- P. Pavement restoration specifications shall be as follows:
 - (1) Specifications:
 - (a) Bituminous-type pavement one and one-half (1 1/2) inches minimum compacted asphalt concrete Type 1 A, Item 36D, three (3) inches minimum compacted dense-graded base course asphalt concrete Item 22CX-M-2.
 - (b) Alternate pavement section one-inch minimum compacted asphalt concrete type AC, Item 36E.
 - (c) One and one half (1 1/2) inch minimum compacted asphalt concrete binder course, Type IA, Item 36DX-M.

- (d) Four (4) inches minimum compacted dense-graded aggregate base course Item 398.
- (2) Oil and bluestone pavement: five (5) inches of Village Item 398 and two (2) inches t p course.
- (3) Concrete Pavement:
 - (a) Where existing pavement is reinforced or contains joint supports, the removal of the pavement shall be performed in such a manner as to allow projection of six (6) inches of the reinforcement and the undisturbed joint supports into the replacement area. If such is not feasible, the permittee shall indicate proposed corrective measures for approval by the Village Clerk. Replacement concrete shall be Type II and entrained with additives such as will assure compressive strength cores of two thousand five hundred (2,500) pounds per square inch in forty eight (48) hours. The concrete shall be of the same thickness as the adjacent undisturbed concrete.
 - (b) With the approval of the Village Clerk asphalt concrete base may be used as a replacement for adjacent concrete base on longitudinal cuts only. Where asphalt concrete is used, it shall be two (2) inches thicken than the concrete it replaces.
- (4) Longitudinal Openings:
 - (a) The entire panel width must be removed and replaced. Ends of panels must I e saw cut if not at a transverse joint.
 - (b) In no case shall any portion of the existing panel that is less than six (6) fee from a transverse joint be left in

place.

- (c) In no case shall any portion of the existing panel that is less than six (6) feet from a traverse joint of an existing crack be left in place.
- (d) Where openings are skewed across the pavement, the concrete replacement must be carried straight across each panel and not staggered.

Section 8. Penalties for Offense:

- A. Any person committing an offense against this local law or any section or provision thereof, except Section 5 or Section 6 is guilty of a Class B misdemeanor punishable by a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a period not exceeding one (1) year for each such offense, or by both such fine and imprisonment.
- B. Any person committing an offense against Section 5 or Section 6 of this local law is guilty of a Class A misdemeanor punishable by a fine not exceeding one thousand (\$1000.00) dollars or imprisonment for a period not exceeding one (1) year for each such offense, or by both such fine and imprisonment.
- C. Each day of continued violation shall constitute a separate offense.
- D. In addition to and or instead of the penalties stated herein, this local law may be enforced by civil action, including an injunction, in a court of competent jurisdiction for violations of this local law.

Section 9. Severability:

If any clause, sentence, paragraph, subdivision, section or part of this local Law is adjudged invalid by a court of competent jurisdiction, the judgment

shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall have been rendered.

Section 10. Repeal of Ordinance No. 101 of 1952 entitled Street Openings:

Ordinance No. 101 entitled Street Openings which stated that it was enacted on November 26, 195 is now hereby repealed.

Section 11. Effective Date:

This new local law shall take effect upon the proper filing with the Secretary of State of New York.