

Underline adding, [Brackets] deleting

PROPOSED LOCAL LAW AMENDING CHAPTER 176, STREET OPENING OR EXCAVATION PERMITS

Article II  
Street Opening Permits

§ 176-3 Permits required; fee; transferability. Applicability, procedure, permits

A This Section applies to all utilities, communication and transportation companies and contractors wishing to excavate, cut or perform construction activities within Town Roads, Streets, Highways or Right-of-Way for the purpose of laying pipe, conduit, or other infrastructure within the Town right of Way.

- A. No person, other than a duly authorized Town officer or employee, shall make any openings or remove any pavements or paved trails in any street, avenue, alley, curb or public place in the Town of Clifton Park without a permit from the Superintendent of the Highway Department.
- B. The fee for a permit shall be [\$150,] established by resolution of the Town Board, as updated from time to time, and made payable to the Clifton Park Highway Department.
- C. Permits issued hereunder shall not be transferable.
- D. All permit fees shall be forwarded to the Receiver of Taxes and Assessments, along with the name and address and affiliation of the applicant, total amount of the permit fee remitted and the basis for its calculation.

E Deposits/Security

(1) Any amounts held or collected as a deposit or security for the purpose of ensuring restoration to the standards outlined in the permit application shall be accounted for and submitted to the Receiver of taxes

(2) Upon documentation provided that demonstrates that the restoration of the pavement, Right of Way, and any other condition for which a deposit or security is held has been satisfactorily completed, The Superintendent of Highways shall submit a voucher to the receiver of taxes who shall process refunds in accordance with the documentation provided.

§ 176-4 Public notification of street closing.

- A. Whenever a street or a portion of a street is to be closed to traffic or parking is to be prohibited for eight or more hours on one day or over a period of several days, the Superintendent may require, as a condition of the issuance of a permit under § 176-5, a program of public notification which may include the following:
  - (1) Notification of scheduled work in the public service section of a local newspaper of general circulation in advance of the commencement of such work.
  - (2) Direct contact with residents on affected street through circular or leaflet.
  - (3) Posting of scheduled work on the Town's website [as appropriate.]

(4) Signage at the work site.

B. Notification should include expected date and time of commencement and completion of work, hours that the street shall be closed to traffic, the date and times temporary parking restrictions will be in effect and the availability of alternate routes, if applicable.

**§ 176-5 Application for permits.**

A. Application for a permit shall be made to the Superintendent of the Highway Department on the attached [provided] forms, which shall describe the location, number, purpose and [size] specific dimensions of the openings to be made, the kind of pavement or paved trail to be removed, the time when such openings are desired and the [length of time] duration, in days, that the openings will remain open, together with such other information regarding the work as the Superintendent of the Highway Department may require. Applications for permits shall expire in 90 days.

B. Emergency procedure. In cases of a service emergency, permit applications can be faxed or delivered to the Superintendent of the Highway Department within 24 hours after a pavement opening, or the next business day.

**176-6 Records**

The Highway Superintendent shall keep and maintain complete and accurate records of all applications for permits received by the Highway Department, including

A. Copies of all permit applications, with a date stamp or other permanent record of the date of receipt. Such records shall be kept by year and name of the applicant.

B. The disposition of each application, whether a permit was issued for each such application, the date of issuance, and the date that the work site was restored or otherwise closed.

C. The permit fees collected and transmitted to the receiver of taxes

D. Complete and accurate information on the receipt, and disposition, of any funds, or any other thing of value collected or held for security or for the purpose of ensuring that the worksite restoration is accomplished satisfactorily.

E. All such records shall be maintained for 5 years, on an annual basis.

**176-7 Report to Town Board**

A. The Superintendent shall provide an annual report to the Town Board, on or before ----- detailing the Number of all applications received, and the amount of fees and security collected as well as the date of application and the date of response, including a statement as to whether each application was granted, denied or otherwise processed. The report shall also detail any applications for which restoration work was incomplete, or resulted in any damage to property, the steps taken by the Department to require completion or to remedy such damage, as well as the applicant's response.

**§ 176-6 Insurance.**

Before a permit is granted, the applicant shall provide a certificate of insurance of a duly authorized insurance company, in the sum of \$1,000,000 designating the Town as a named insured and evincing coverage to indemnify and save harmless the Town of Clifton Park from all loss, damage, cost and liability whatever which the Town may sustain or incur by any reason arising out of the work performed or to be

performed.

**§ 176-7 Closing and repavement.**

The closing and repavement shall thereafter be performed in a consistent with specifications published by the Superintendent of Highway Department. The Superintendent shall be notified when repavement operation is complete, and an opportunity for inspection provided.

**§ 176-8 Maintenance; subsequent repairs.**

- A. A person authorized to open a street or paved trail pursuant to the provisions [hereof (the permittee)] of this chapter shall have a continuing duty to keep such area free from settlement or other defects caused by said openings for a period of one year following restoration and shall, when necessary, repair and restore such area [to a condition satisfactory to the Highway Department.] to the pre-excavation condition consistent with the Methods and supplemental conditions provided in the permit application.
- B. If a permittee fails to properly repair any pavement openings [as directed], after written notice thereof from the Highway Department, the Highway Department shall have such repairs made, which shall be charged against the permittee.
- C. Nothing contained herein, however, shall prevent or preclude the Highway Department from taking whatever steps may be necessary, with or without notice, when emergency or otherwise dangerous conditions exist.
- D. [In cases where pavement was removed or opened for the purpose of providing an infrastructure connection to any building or real property, and the permittee has failed to properly repair pavement openings as directed, the owner of the property for whom the pavement was removed shall ensure that pavement be restored or repaired consistent with this article. ]
- E. Failure to properly restore pavement openings: [ shall be grounds for the withholding of additional permits under this chapter.]

(1) If, in the judgment of the Highway Superintendent, an applicant has failed to properly restore a pavement cut or street opening pursuant to a permit issued under this chapter, or has failed to make application for same under this chapter, The Highway Superintendent shall provide the applicant with a detailed notice of any defects or damage to property, with a copy to the Town Supervisor, and provide a reasonable opportunity for the applicant to remedy such defects or to remediate any damage outstanding.

**§ 176-9 Fee exemption.**

Permits shall be required for street openings by or on behalf of the Clifton Park Water Authority, and for Town sewer operations and for private contractors operating in connection therewith; however, no permit application fee shall be charged.

**[§ 176-10 Promulgation of rules and regulations.**

The Superintendent of the Highway Department is hereby authorized to promulgate and amend a fee schedule and additional rules, regulations and specifications necessary to supplement and effectuate the purpose and intent of this article.]

176-11.

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Permits, for Residential Driveways, Culvert Installation, or the installation of lateral lines for individual

service for water, sewer or utilities or communications facilities:

- A No person, other than a duly authorized Town officer or employee, shall make any openings or remove any pavements or paved trails in any street, avenue, alley, curb or public place in the Town of Clifton Park without a permit from the Superintendent of the Highway Department.
- B Residential Driveway or Culvert Installation permits shall be issued by the Highway Department without fee.
- C The Highway Superintendent shall keep and maintain records for all individual permits for Driveways, culverts or other installations for individual properties within the Town, including:
  - D. The date each application was received by the Department, the date of the disposition of each such application, and permits issued, or denied, including all drawings, sketches, and descriptions of the work requested and any necessary restorations to the public roads, right of Way or property.
  - E. If the Highway department does not make a determination to grant, modify or deny and such application within 30 days, a written explanation for the determination shall be maintained by the Department.
  - F. All such records shall be maintained for 6 years, on an annual basis.