

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City  
Town of .....Watkins Glen.....  
Village

Local Law No. ....1..... of the year 19 [redacted]

A local law .....Digging Permit.....  
(Insert Title)

Be it enacted by the .....Board of Trustees.....of the  
(Name of Legislative Body)

County  
City  
Town of .....Watkins Glen..... as follows:  
Village

This Local Law shall replace Ordinance #155, an ordinance relating to excavations on or under the public streets and in the right of ways of the Village of Watkins Glen, hereby repealing same.

A Local Law relating to excavations on or under the public streets and in the right of ways of the Village of Watkins Glen.

Whereas excavations on or under the public streets may cause damage to said streets, sidewalks, curbing and utility lines situated underground; or may disrupt the integrity of utility poles; or be dangerous to persons using the streets or sidewalks.

Therefore the Village requires that all excavations on the Village streets and within its right of ways, be preceded with a completed **DIGGING PERMIT**, to be issued by the Village Clerk.

**APPLICATION:** No person, firm, or corporation shall make or cause to be made, any excavation, digging, jacking, tunneling, boring, or cutting under the surface of any public street or within the right of way in the Village of Watkins Glen except following the terms and conditions herein.

1. The applicant for such permit shall be the individual, firm, or corporation desirous of the excavation.

2. The applicant shall pay an application fee of \$5.00 for a single dwelling resident, or \$25.00 for all other, at the time of filing for a digging permit application.

3. The application shall be reviewed and approved by the Code Enforcement Officer and the Village Superintendent before the permit is issued. No work shall commence before the issuance of a permit.

4. If the application is not approved, the fee will be returned to the Applicant.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

5. In the case of a bonafide, and verifiable emergency, verbal approval by the Village Superintendent or his designate shall be sufficient. However, the person, firm or corporation shall be required to apply for a permit at the earliest practical opportunity, not exceeding one full work day.

6. It shall be the responsibility of the applicant to contact the **UNDERGROUND FACILITY PROTECTION ORGANIZATION (UFPO)** within the time frame required by New York State Public Service Law, Section 119B, Article 36 of the General Business Law, and Industrial Code 53. UFPO contact is 1-800-962-7962.

7. Time: Work under the permit shall commence within thirty (30) days from the date of the permit issuance unless a later starting date is approved by the Village Superintendent.

8. Protective Liability Insurance Coverage: The Applicant must have protective liability insurance coverage. Expiration of or lack of insurance automatically terminates the permit. A certificate of protective liability, and worker's compensation, when applicable, shall be provided to the Village Clerk at the time of filing for the digging permit.

9. The Village shall be held harmless from any claims, costs, or liabilities by reason of the issuance of a digging permit, direct or indirect.

10. The applicant shall submit work plans and/or a design map with the digging permit application. This plan shall include such details as measurements of driveways with relation to nearest property corner and street intersection. A description of the proposed method of construction will be included. The applicant must coordinate his work with any other construction or maintenance being conducted in the immediate vicinity.

#### **JOB SITE PROCEDURE:**

1. It shall be the responsibility of the applicant to insure that all standards established by the Village are fully adhered to. Standards are available upon request from the Superintendent.

2. Failure to comply with the Standards shall result in the immediate revocation of the permit and the matter shall be referred to the Code Enforcement Officer for review for a possible non-compliance citation.

3. The applicant shall be responsible for insuring the safe passage of vehicles and pedestrians in the area of the excavation. In the event that the excavation site is exposed overnight, the applicant shall insure that the area is maintained safe and secure in accordance with New York Department of Transportation (DOT) Standard 107-05, E. Traffic shall be maintained on the street or highway in a safe manner during working and non-working hours until construction has been completed. The applicant is responsible for traffic protection and maintenance, including adequate use of signs, barriers, and flag persons during working and non-working hours.

4. If the excavation project is for the purpose of connecting to Village utility systems, i.e. water, sewer or electric, the work will be inspected by the Village Superintendent or his designate before back filling.

5. No work shall be done so as to obstruct or change the course of existing drainage or divert creeks, water courses or sluices.

6. When backfilling the excavation, only NY DOT Standards, Section 300 and 700 will be acceptable.

7. Upon completion of backfilling the site, the applicant shall notify the Village Superintendent, who, or his designate, shall inspect the job site and, if satisfied, will sign the digging permit, thus completing that project.

8. The applicant shall be responsible for any settling of any street or highway which may occur up to six months after the completion of the project. This responsibility may include returning to the job site and installing additional backfill or repaving the area at the road cut to assure the job site is as near the original condition as possible before the cut was made.

9. The applicant is responsible for all road signs, trees, shrubbery, property markers, etc. removed or disturbed during the project.

10. If it is necessary for the Village to effect the repairs to the street or highway, either by its own crews or by contracting with others, the actual cost of the repairs will be charged to the applicant, with a minimum charge of one hundred dollars (\$100.00).

**PENALTY:**

1. Any person, firm or corporation who shall make or cause to be made any excavation, digging or cutting upon the surface of or under any public street situated in the Village of Watkins Glen, New York without a permit, shall, in addition to the charges set forth above, be liable to prosecution of charges as provided in the Penal Law for Violations, and shall be subject to the fines and penalties prescribed by the Penal Law for Violations.

2. The Code Enforcement Officer of the Village of Watkins Glen shall have the responsibility and authority to enforce this local law.

**EFFECTIVE DATE:**

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1997 the ~~(County)(City)(Town)~~(Village) of Watkins Glen was duly passed by the Board of Trustees on March 17, 1997, in accordance with the applicable provisions of law. (Name of Legislative Body)

(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after approval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after approval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after approval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

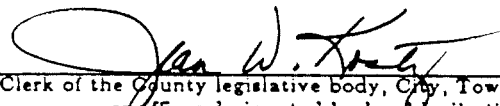
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: March 18, 1997

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Schuyler

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Signature

Village Attorney  
Title

~~COUNTY~~  
City of Watkins Glen  
~~TOWN~~  
Village

Date: March 17, 1997