

Intro O-1

Councilmember MCNAMARA presented the following and moved its adoption:

**ORDINANCE ESTABLISHING GLOVERSVILLE CITY CODE CHAPTER 185:
OPENINGS AND EXCAVATIONS OF STREETS**

Part 1: Legislative Intent – The City of Gloversville is desirous to track and inspect any street openings and excavations within city limits to ensure repairs are up to required standards through a permitting process.

Part 2: Public Hearing – A public hearing has been held at the Common Council meeting on April 9, 2024 at 6:00PM.

Part 3: Modification – Gloversville City Code section 185 is now established to read as follows:

Gloversville City Code Chapter 185: Openings and Excavations of Streets

185-1: Street Opening Permit Required

Other than the City of Gloversville, no person or association of persons, municipal corporation, public utility corporation or corporation shall open or dig up any City street or any private street which is open to public motor vehicular traffic, or any street, or part thereof in and over which the City shall have jurisdiction or shall in any way alter any curbing, gutters, gutter basins, drainage lines or other works within such a street for any purpose without a written permit from the City Clerk, with the approval of the Director of Public Works, to be known as a "street opening permit."

185-2: Persons and Corporations Eligible for Permit

No street opening permit shall be issued by the City Clerk, except to a municipal corporation, a public utility corporation or an owner of property assessed upon the City assessment roll on an application, signed by said owner or on behalf of said owner by his duly authorized agent. Persons or corporations other than those mentioned may be granted street opening permits only when authorized by the Director of Public Works.

185-3: Restoration of Street

The permittee shall, in all cases, be responsible to fully restore the street, curb, sidewalk and any other public structure or surface, to City specifications which are set forth herein to the satisfaction of the Director of Public Works. In the event of default or noncompliance, the City shall, upon three days' written notice by certified mail to the permittee, correct and repair the damage in question. The cost, consisting of time, materials, and equipment expended by City personnel, shall be paid by the permittee to the City.

185-4: Construction Specifications

The permittee making the opening shall backfill the opening and shall place thereon temporary pavement, conforming to City specifications, which shall be properly maintained in a safe condition by the permittee until such time as proper settlement has taken place to allow the laying of a permanent pavement. The City shall be notified at all stages of the work for the purpose of inspection. As a minimum, compliance with the City specifications and regulations for the making of street openings, backfilling, maintenance, replacement of pavement and curbing shall be acceptable for the performance of said work and shall be performed to the satisfaction of the Director of Public Works.

185-5: Fees

There shall be two permit classifications and fees for street opening permits as follows:

- A. Class 1: Road openings that total 100 square feet or less - \$100
- B. Class 2: Road openings that total more than 100 square feet - \$500

185-6: Emergency Excavations

In case of an emergency requiring emergency work arising after business hours, at night, on Sundays or legal holidays, the same shall be reported to the Fulton County Sheriff's Office Dispatch, which shall contact the Director of Public Works to grant permission to make the necessary excavation upon the express condition that an application be made in the manner prescribed by this article on or before noon of the next following business day. An emergency permit may only be issued for emergency work to be performed on existing services. An applicant shall perform emergency work on an around-the-clock basis until the emergency is eliminated, unless otherwise directed by the Director of Public Works.

185-7: Traffic Control, Barricades, and Lighting

All street openings and work areas shall be provided with warning signs, barricades, and lighting as necessary for public safety. All warning, traffic control signs, barricades and lighting shall be in conformance with the appropriate section of the State of New York Department of Transportation Manual of Uniform Traffic Control Devices.

185-8: Insurance

Proof of liability insurance to indemnify the City of Gloversville against any liability by providing a \$1,000,000 liability insurance certificate that specifically names the City of Gloversville as "supplemental insured" must be submitted with the completed street opening permit.

185-9: Term of Permit

- A. All work for which a permit has been issued shall be completed prior to the expiration date of the permit.
- B. A Class 1 permit shall be valid for 14 days for the initial excavation and backfill.
- C. A Class 2 permit term will be determined by the Director of Public Works based on size of the project.

- D. A permit shall expire unless work pursuant thereto has been commenced within 10 days of the date of issuance.
- E. A permit shall continue in effect during the time required for the settling of backfill and restoration of permanent pavement, but in no event shall the permit continue in effect later than six months after the date of issuance unless the Director of Public Works shall further extend the time for good cause.

185-10: Revocation of Permit

The Director of Public Works shall have the power to revoke a permit issued hereunder whenever he shall find that the permittee shall have refused, failed, or omitted to comply with any provisions of this article.

185-11: Penalties for Offense

Any person or entity found in violation of any provision of this article may be punished by a fine of not less than \$50 nor more than \$250 or imprisonment for a period not exceeding 15 days, or both, and each day that said violation exists shall constitute a separate offense that is subject to a separate penalty as above listed.

Seconded by Councilmember: STOVER

Aye: 7

Nay: 0

Dated: 04/09/2024

	Aye	Nay		Aye	Nay
<u>ANADIO</u>	<u>X</u>		<u>STOVER</u>	<u>X</u>	
<u>BATCHELOR</u>	<u>X</u>		<u>WEISS</u>	<u>X</u>	
<u>MCNAMARA</u>	<u>X</u>		<u>ZARRELLI</u>	<u>X</u>	
<u>PETERS</u>	<u>X</u>				