

CHAPTER 26

LOCAL LAW NO. 19 OF 2016

A LOCAL LAW ENTITLED
STREET WORK

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to regulate excavations, construction and certain other activities on Village streets.

SECTION 2. ENACTMENT.

A **Chapter 26 of the Village Code entitled Street Work** is enacted, as follows:

§ 26-1. Legislative Intent.

The purpose of this Chapter 26, entitled a Street Work Law, is to regulate any work performed on, over or under any Village street.

§ 26-2. Definitions.

As used in this Chapter 26, each of the following defined terms shall have the meaning indicated:

(1) **person** - any individual, firm, corporation, partnership, public service or public utility company, municipal district, or other legal entity.

(2) **public entity** - any public service or utility company, or municipal district.

(3) **street** - any road, avenue or way, inclusive of its entire width, including the paved portion thereof, any sidewalk area, and the entirety of each shoulder.

(4) **street work** - any improvement on a Village street, whether on, over or under same, including the installation of any curb, curb cut, dog wire, driveway, lighting, security system, sidewalk, sign, sprinkler line or head, steps, walkway, or other such installation, and any excavation related thereto.

§ 26-3. Word Usage.

For purposes of this Chapter 26:

(1) The concept of including something on a list of things shall be deemed to embody the concept of including those things by way of illustration and not limitation.

(2) Wording in the disjunctive form shall be deemed to be preceded or followed by the words "as applicable" or "as the case may be."

(3) Undefined terms shall be interpreted so as to give them the meaning they have in common or lawful usage, so as to give this Chapter 26 its most reasonable interpretation.

(4) Captions and headings shall be deemed to be inserted for convenience and reference only, and shall in no way be deemed to define, describe or limit the intent, meaning or scope of this Chapter 26.

§ 26-4. Permit Required for Excavation and Construction.

No person shall perform any street work without first obtaining a permit for same from the Public Works Commissioner.

§ 26-5. Street Work Permit Requirements.

A. Application for Street Work Permit. Any person seeking a street-work permit shall file an application for same, with the Clerk for submittal to the Building Commissioner, Public Works Commissioner and Village Engineer, along with a payment fee therefor as fixed by the Village Board from time-to-time. Such application shall state, among other things as may be required by the Public Works Commissioner, the nature, location, extent and purpose of the proposed street work and the estimated time it will take to complete same. Any street work started prior to issuance of a permit shall be subject to a permit fee double the fee that would otherwise be payable.

B. Security. Any application for a street-work permit shall contain an assurance in language acceptable to the Village Board requiring the applicant, upon completion of the proposed work, to restore or repair the subject street to proper condition, and any such application shall be accompanied by a performance bond secured either by a letter of credit from a bank doing business in the Town

of Brookhaven, or such other security approved by the Village Board, as a guarantee of the assurance required under this § 26-5B. Upon completion of the proposed work to the satisfaction of the Public Works Commissioner and Village Engineer, and in accordance with the above assurance, the aforementioned bond or other security shall be returned to the applicant, unless the Public Works Commissioner or Village Engineer reports the need for a maintenance bond and, if so, the terms thereof. In the event of a failure to restore or repair the subject street as required under this § 26-5B, within the time set forth in the subject application, the same shall be restored or repaired or caused to be restored or repaired by the Village, and the cost thereof paid out of the security so required under this § 26-SB.

C. Security for Public Entities. In lieu of the above, any public utility may file a surety bond in form acceptable to the Village Board in the amount of twenty thousand (20,000) dollars to satisfy the security requirement pertaining to all applications for street work to be performed within the term of the bond.

D. Survey Required. Any application to install a curb, curb cut, sidewalk, stairs or walls on a Village street shall include a survey prepared by a licensed surveyor, identifying the location and extent of any proposed driveway, demonstrating adequate line of sight distances, and identifying the location of any power lines, signs or trees located on any part of the Village street abutting the subject property.

E. Preconstruction Meeting. Upon receipt of an application for a street-work permit, the Public Works Commissioner may require the applicant to schedule a preconstruction meeting with the Building Commissioner and Village Engineer to coordinate, or resolve, any construction, demolition, design, excavation, required notification, traffic control, other technical or logistical issues relating to the proposed street work.

§ 26-6. Notice to Public Entities.

Any person performing street work pursuant to a permit granted under this Chapter 26 shall comply with New York General Business Law Article 36, and related New York State Department of Public Service Regulations, and give notice to all public entities maintaining lines, mains or other property in the area falling under the purview of such permit, and file a copy of said notification with the Clerk before any street work shall commence.

§ 26-7. Guarding of Excavations.

Any person performing street work shall erect and maintain suitable barriers or guards around any excavation area, or construction site, for the protection of any person using any street or sidewalk, and shall set and maintain during the hours of

darkness sufficient lights or flares to properly illuminate the subject area, and shall take all other necessary precautions for the protection of the Village and the property of others. Barriers or guards shall display the address and telephone number of a responsible person available at all times to address any emergency.

§ 26-8. Provision of Right-Of-Way.

Any person performing street work shall provide a right-of-way for pedestrians and vehicular traffic so as not to unduly impede the flow of such traffic.

§ 26-9. Insurance Requirements for Excavations.

Upon receipt of a permit allowing the performance of street work, the applicant shall provide the Village with an acceptable certificate of insurance indicating that the applicant is insured against claims for damages for personal injury and property damage that may arise from or out of the performance of the subject work. The Village shall be named as an additional insured. Such insurance shall cover any and all possible hazards of whatsoever kind or nature, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Village Board in accordance with the nature of the risk involved, provided, however, that liability insurance for bodily injury shall not be less than one million (1,000,000) dollars for each person and two million (2,000,000) dollars for each accident, and for property damages, not less than five hundred thousand (500,000) dollars with an aggregate of two million (2,000,000) for all accidents. Public entities and authorities may be permitted to file a certificate of insurance annually. No permit may be issued under this Chapter 26 without a submission of proof of compliance with the Workers' Compensation Law.

§ 26-10. General Construction Provisions.

The following general construction requirements shall apply to the performance of any street work, as applicable:

(1) When performing openings in concrete pavement, or asphalt on concrete pavement, concrete pavement shall be removed to the nearest transverse joint when the distance from the edge of the opening to the transverse joint is five (5) feet or less. If new concrete pavement is being installed, the concrete mix shall be of "High Early Strength". Asphalt not on concrete base shall be a minimum of four (4) feet by four (4) feet or at least eighteen (18) inches on either side of undisturbed subgrade. Existing asphalt pavement and concrete pavement shall be saw cut to its full depth prior to its removal unless other methods are approved by the Village Engineer.

(2) A minimum depth of four (4) inches of stone mix or recycled concrete aggregate shall be placed as a temporary surface in any pavement crossing, which shall be placed upon a well- stabilized base, and shall be maintained to the same grade as adjacent pavement.

(3) Road openings, tunneling or sleeves shall not be permitted, unless in the opinion of the Village Engineer, it is the only option available. The Village Engineer shall determine the means and specifications required on each request.

(4) All trench openings shall be fully compacted either by jetting or power tampers. Jetting shall consist of at least four (4) feet on center of both sides of the trench and power tampering lifts shall not exceed twelve (12) inches.

(5) Final courses shall be as follows:

(a) Pavement restoration shall consist of a base course of five (5) inches of recycled concrete aggregate (RCA) compacted moist with a minimum five (5)-ton roller or pneumatic type of compactor. Material shall be well graded and meet the following gradation limits:

SIEVE SIZE	PER.CENT PASSING
1½ inch	100
1 inch	90 - 100
½ inch	65 - 85
¾ inch	55 - 75
#4	44 - 55
#8	30 - 45
#30	11 - 27
#200	1 - 10

(b) Pavement restoration shall include a minimum of five (5) inches of asphalt pavement consisting of 2" Asphalt Type 6 Top Course (NYSDOT Item 403.178902) and 3" of Asphalt Type Binder (NYSDOT Item 403.138902) Edges of pavement repair that abut existing pavement shall be sealed with A/C joint sealer (3" wide).

(5) Drainage on or along adjacent streets shall not be diverted or obstructed.

(6) Topsoil, fertilizer and grass seed shall be applied to all shoulder areas disturbed by excavation or construction.

(7) No tree on the shoulder of any Village street shall be cut down, killed or otherwise destroyed without a permit for same being issued by the Planning Board.

(8) All work shall be done to the satisfaction of the Public Works Commissioner and Village Engineer.

(9) Permits shall not be issued during the months of December, January, February or March, except to any public entity where a case of emergency exists.

§ 26-11. Removal of Stone or Earth from Streets.

No person shall dig, remove or carry away any stone, earth or gravel from any public street, sidewalk or public place in the Village without written permission from the Village Board.

§ 26-12. Street-Work Regulations.

A. Curb Cuts. The following street regulations shall apply:

(1) No more than one (1) curb cut shall be permitted on any street having a frontage of two hundred (200) feet or less.

(2) No part of a curb cut shall be located within:

(a) Ten (10) feet of a property line.

(b) Twenty-five (25) feet of any cross street.

(c) One hundred (100) feet of any part of any other curb cut located on the same property.

(3) No curb cut, where same intersects the surfaced part of a Village street, shall be narrower or wider than fifteen (15) feet and twenty-five (25) feet, respectively.

(4) No curbing running along the surfaced part of a street shall:

(a) Be constructed of concrete masonry units, railroad ties, pressure-treated wood, or other such material.

(b) Have a height greater than eight (8) inches.

B. Certain Construction Prohibitions. Street work shall not include the installation of any basketball backboard, fence, parking area other than a driveway, garbage bin or rack, or newspaper box.

§ 26-13. Posting of Notices or Signs/Marking of Streets.

A. Posting of Notices or Signs. Except as otherwise permitted under the Village Code, no person shall post, hang or otherwise exhibit any handbill, notice, placard or sign on any building, post, telephone or electric light pole, fence, tree, wall or any other object or structure on any Village street.

B. Marking of Streets. Except for public entities, no person shall mark or write on any Village street.

§ 26-14. Permit Required for Erection of Poles or Wires.

Installation of any pole, post or bracket or any similar structure on any Village street for the purpose of stringing or placing thereon utility wires shall require the approval of the Village Board, with the understanding that:

(1) In granting any permission for the erection of any such structure, said board shall specify the type of construction and location thereof, which shall be deemed appropriate to the area within which the erection is proposed and best suited to secure public safety and welfare.

(2) Any such structure shall be used only for utility purposes and shall not be authorized by any utility for any other use.

§ 26-15. Penalties.

Any person violating any of the provisions of this Chapter 26 shall, upon conviction thereof, be subject to a fine not exceeding the sum of five hundred (500) dollars for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

§ 26-16. Severability.

If any provision of this Chapter 26 is ruled unconstitutional or invalid, such ruling shall not affect the validity of any other provision of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: June 3, 2016

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk

Effective Date: June 23, 2016