

A LOCAL LAW AMENDING CHAPTER 178 ARTICLE VI OF THE
VILLAGE CODE ENTITLED “STREET OPENINGS AND EXCAVATIONS”

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Garden City, in the County of Nassau, as follows:

Section 1. Legislative Intent.

The Board finds that roads recently re-paved or newly constructed are being opened for various purposes, shortening the useful life of the roads and creating additional expenses on the part of Village and to the detriment of its residents. The Board also finds that the provisions of Chapter 178 of the Village Code, as currently enacted, are inadequate to address and mitigate this problem. Therefore, the Board finds it in the best interest of the Village of Garden City and its residents to make amendments to Article VI of Chapter 178 of the Village Code entitled “Street Openings and Excavations” to prohibit the issuance of road opening permits on roads that have been repaved within the previous three (3) years or constructed or reconstructed within the past five (5) years, subject to certain exceptions.

Section 2.

Article VI of Chapter 18 of the Village Code is hereby amended to read as follows:

§178-9. Permit Required.

No person, firm or corporation, public service, water, light or power company shall alter or disturb the grade of any street, highway or public place within the village, nor shall any person, firm or corporation, public service, water, light or power company disturb the paving or dig or excavate any such street, highway or public place, nor construct or reconstruct sidewalks, curbs and driveway aprons, except where such construction or reconstruction of sidewalks, curbs and driveway aprons is covered by a building permit, unless a written permit shall first be obtained for such purpose from the Superintendent of Public Works or his authorized representative, which permit shall be issued by the Superintendent of Public Works or his authorized representative upon such terms and conditions as are deemed necessary to properly safeguard the public safety or welfare.

§178-10. Application for permit; deposit; restoration.

- A. Every application for a permit hereunder shall be accompanied by a cash deposit to cover 150% of the cost of restoring or repaving such street, highway or public place for the entire width of the roadway spanning the entire length of said roadway to be disturbed or construction or reconstruction of sidewalks, curbs or driveway aprons, as estimated by the Superintendent of Public Works, to a condition which meets the approval of the Superintendent of Public Works, or, in the alternative, a bond giving adequate assurance that such restoration or repavement shall be made to the satisfaction of the Superintendent of Public Works. In addition thereto, every such application shall be accompanied by a fee in such amount as determined from time to time by resolution of the Board of Trustees.

B. No permit shall be issued for an opening on any roadway which has been repaved by the Village during a period of three (3) calendar years previous to the date of submission of the application, except for permits for emergency openings as defined in § 178-10B(1) below. In the case of a newly constructed or reconstructed roadway, the time period shall be five (5) years. The prohibitions stated in this subsection shall not apply to applications to install new gas connections to residential properties.

(1) In the event that any pipe, main, conduit or other installation in or under any street, highway, public place, sidewalk, curb or driveway apron shall burst, break or otherwise be in such condition as to seriously endanger persons or property, the owner of such sewer, main, conduit or other installation shall immediately contact the Village's Superintendent of Public Works describing the location of the break, extent of repairs and any emergency measures required to mitigate or remedy the danger. Upon approval by the Superintendent of Public Works, the owner shall immediately remedy such trouble and shall immediately take all such necessary steps to make said location safe and secure. Such owner shall not, however, begin making any permanent repairs to such street, highway or public place, sidewalk, curb and driveway apron until he or she shall have secured a permit as provided above. Such permit shall be applied for within 48 hours after such break or serious trouble shall have developed, and the necessary permanent repairs to the street, highway, public place, sidewalk, curb or driveway apron shall be made as directed by the Superintendent of Public Works and shall be completed as soon as practicable after receipt of the permit.

C. All such restoration and/or repavement shall be done by the village, under the direction of the Superintendent of Public Works or his authorized representative, at the expense of the applicant, at the customary charges made by the village for such work.

D. The Board of Trustees may, by resolution, waive or modify the requirements of this section where a permit or permits required hereunder is or are issued to a municipality or to a public utility corporation.

§178-11. Construction or reconstruction of sidewalks.

No permit shall be issued for the construction or reconstruction of sidewalks beyond the advertising date for bids for the construction or reconstruction of such sidewalks, which work is to be included in a public works construction contract with the village.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date.

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