

**TOWN OF SCHODACK  
PERMIT TO EXCAVATE WITHIN PUBLIC RIGHTS-OF-WAY**

**Permit No.** \_\_\_\_\_

**Name of Applicant:**  
**Address of Applicant:**

**Location of Work:**

**Nature of Work:**

**Date of Issuance:**

**Expiration Date:** Excavation restoration shall be completed not more than 30 days from  
date of issuance of permit

**Inspection Fee \$150.00 (per permit):**

**Date Paid** \_\_\_\_\_  
**Payment Method**    **Cash** \_\_\_\_\_ **Check #** \_\_\_\_\_  
**Receipt #** \_\_\_\_\_

**Bond or Deposit \$15,000.00 (minimum):**  
May be held by the Town of Schodack up to ninety (90) days after work deemed  
completed by the Town of Schodack.

**Date Received** \_\_\_\_\_

**Proof of Public Liability Insurance: (see attached for amounts and conditions)**

**Date Received** \_\_\_\_\_

\_\_\_\_\_  
**Applicant Signature**

**Approval:**

\_\_\_\_\_  
**Signature of Highway Superintendent**

In consideration of the issuance of this permit, the applicant agrees to abide by the following conditions:

**INDEMNIFICATION**

The applicant agrees to defend, indemnify and save harmless the Town from any and all claims arising from or as the result of the intended work

**INSURANCE REQUIRED**

The applicant shall have placed on file with the Town Clerk satisfactory evidence of public liability insurance in the amount of not less than One Million Dollars (\$1,000,000.00) for any one (1) person and not less than Three Million Dollars (\$3,000,000.00) for one (1) accident and property damage insurance in the amount of not less than Five Hundred Thousand Dollars (\$500,000.00) for any one (1) accident. Said insurance shall by its terms afford protection to the Town against any such liability arising in connection with the intended work.

**DEPOSIT REQUIRED**

The applicant shall have deposited with the Town Clerk, a bond as provided herein or a deposit in the sum of Fifteen Thousand Dollars (\$15,000.00) of which One Hundred Fifty Dollars (\$150.00) shall be for inspection and administrative costs of the Town, which is not refundable. The deposit shall be in cash or by certified check or bank draft made payable to the Town of Schodack and is intended to ensure the proper restoration of the street's surface. From this deposit shall be deducted the expenses of the Town, if any, of relaying the surface of the ground or pavement and of refill. If this is done by the Town or at its expense, the balance shall be returned to the applicant, without interest, after the excavation or opening is completely refilled and the surface or pavement is restored. The deposit or bond may be held by the Town for as long as ninety (90) days after the applicant has notified the Town of the completion of the work. Where the work, pursuant to this chapter, has been performed by the Town, then the Town may hold the deposit for ninety (90) days after the last day of work.

**BOND IN LIEU OF DEPOSIT**

In lieu of the deposit required hereunder, the applicant may file and keep on file with the Town a bond in the minimum amount of Fifteen Thousand Dollars (\$15,000.00) given as security for the faithful performance of the terms of any permit issued or to be issued. Should the cost of work to be performed in the street opening exceed the security, the Town may require an increase in the bond amount.

**PROTECTION OF EXISTING STRUCTURES**

Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavation, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

The applicant must give written notice to any person or company whose structures, pipes, cables or conduits may be affected or endangered by the work, at least twenty-four (24) hours before the

commencing of such work, and it shall be the duty of the permittee to protect such pipe, cables, conduits or other structures from damage. No unnecessary damage shall be done to any tree or shrub or the roots thereof. Wherever feasible, boring under streets, rather than open excavations in the streets, shall be conducted.

### **TRAFFIC CONSIDERATIONS**

The applicant shall erect and maintain suitable barricades and fences while the work is in progress and shall arrange the work so as to keep to a minimum, inconvenience and delay to vehicular and pedestrian traffic. No street may be entirely blocked or closed to travel, except as ordered by the Town Superintendent of Highways.

Warning signs and suitable red lights shall be placed around any excavation one hundred fifty (150) feet in front, facing the direction of travel. When directed by the Town Superintendent of Highways or other designated officer, the permittee must provide competent persons to direct and expedite traffic.

It shall be a violation for any person to completely close any street to traffic, except with the prior approval of the Town Superintendent of Highways and the Town board and subject to such conditions as they may impose.

### **EXCAVATION AND RESTORING SURFACE**

No street opening work shall be commenced sooner than two (2) weeks after the issuance of this permit, unless otherwise authorized by the Town Superintendent of Highways. The Town Superintendent of Highways and Fire Chief of the district shall be immediately notified by the applicant as to the location of the proposed street opening.

Any person, firm or corporation making any excavation or opening shall restore the street surface or ground surface to its original condition or a superior condition. All such work of restoring surface and backfill shall be done under the supervision of the Town Superintendent of Highways or designated Town officer, and it shall be unlawful to backfill any work until the same has been inspected and approved by said official.

Any utility lines, including electric cables, telephone cables, and gas lines, shall be buried at least three (3) feet below the grade of the street.

Excavations must be filled with a good grade of bank-run gravel, fully compacted and approved by the Town Superintendent of Highways. The fill material must be tamped every six (6) inches. The topping shall be at least six (6) inches of blacktop.

Such refilling shall be completed not more than thirty (30) days from the date of issuance of the permit hereunder; otherwise, the Town may complete the refilling and restoration and charge the cost thereof against the deposit made under this chapter or collect such cost from the permittee or the sureties on his bond hereunder.

The Town Superintendent of Highways shall have the power to require the removal of backfill for purposes of inspection.

**DRIVEWAYS AND ENTRANCES TO HIGHWAYS**

No person shall hereafter construct an entrance or driveway from private property onto any Town highway without first applying to the official designated by the Town for a permit. A copy of the permit application shall be immediately forwarded to the Town Superintendent of Highways, who shall inspect the site and shall specify the requirements of the Town to protect drainage and the road shoulder, and the work may then proceed in accordance with the specifications and direction of the Town Superintendent of Highways, which he shall endorse upon the permit application, which then shall constitute the permit. No fee shall be required.

**PENALTIES FOR OFFENSES**

Any person, firm or corporation violating any of the provisions of this local law shall be guilty of an offense as set forth in Section 135 of the Town Law and, upon conviction thereof, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) for each offense or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment.

Each successive day in which a violation of this local law continues shall constitute a separate offense, for which a separate penalty shall be payable and /or a separate punishment may be imposed.

The Town Board may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with or to restrain by injunction a violation of this local law.