

No: _____

Date _____

VILLAGE OF TARRYTOWN
PERMIT APPLICATION FOR STREET, SIDEWALK, CURB OPENING OR OBSTRUCTION

To the Superintendent of Public Works, Village of Tarrytown:

Name of Applicant _____

Address of Applicant _____

Telephone # Home/Work _____ Cell # _____ After Hours # _____

Location of Work _____

For the Purpose of _____

Number and sizes of openings _____

Permit is valid for 30 days from the date of issue unless a written extension is issued.

Provide copy of Insurance as required (See below)

Certificate of Insurance # _____

Two Separate Checks (Deposit and Permit Fee) According to the Fee Schedule (See Attachment)

Name of Applicant _____

Signature of Applicant _____

Address to Refund Deposit _____

Telephone/Cell Phone # _____

Deposit Amount _____ Permit Fee _____

Code 753# _____

Permit Approved By _____ Date _____

Inspected By _____ Date/s _____

Approved By _____ Date _____

FEE AND INSURANCE REQUIREMENTS

Street and sidewalk opening

FEE (REFUNDABLE) \$1000.00
Application Fee (Non-Refundable)
\$3.00 Sq/Ft
MINIMUM \$100.00

CURB CUT

FEE (NON-REFUNDABLE) \$25.00
DEPOSIT: \$15.00 L/F – MINIMUM \$100.00

DUMPSTER PERMIT \$200.00 SECURITY DEPOSIT
\$15 per day + \$40 per day per metered parking space

CURB CUT/ REPAIR/ REPLACEMENT

DEPOSIT (REFUNDABLE) \$500.00
APPLICATION FEE (NON-REFUNDABLE)
\$15 PER L/F MINIMUM \$100.00

SIDEWALK/STREET CLOSING AND OBSTRUCTION

\$250 SECURITY DEPOSIT (REFUNDABLE)
APPLICATION FEE (NON- REFUNDABLE)
\$25 + \$40 PER DAY PER METERED SPACES

CERTIFICATE OF INSURANCE REQUIREMENTS

PROPERTY DAMAGE \$1,000,000 PER INDIVIDUAL
\$1,000,000 PER OCCURANCE
PERSONAL INJURY \$1,000,000 PER INDIVIDUAL
\$1,000,000 PER OCCURANCE
CERTIFICATE OF INSURANCE TO NAME THE VILLAGE OF TARRYTOWN
AS CO-INSURED

**COPY OF WORKERS COMPENSATION INSURANCE POLICY (ACCORD
FORM IS NOT ACCEPTABLE PROOF)**

CURB CUT, STREET AND SIDEWALK OPENING PERMIT

OBLIGATIONS OF PERMITTEES, TARRYTOWN CODE 259.9

- A. The following duties and obligations are imposed upon each person receiving a permit under the provisions of this article.
1. Immediately upon completion of the work and when inspection and approval of the work are required, he will backfill the excavation in accordance with generally approved methods.
 2. He shall not permit the excavation to remain open longer than strictly necessary for the performance of the work which required the excavation.
 3. While the excavation is wholly or partly open or when, after backfilling, there exists a depression below the surrounding grade or an elevation higher than the grade because of the excess backfill or for other reasons, he shall provide adequate safeguards to the public by erecting a barrier or fence of distinctive type or color marking the outside limits of the affected area and bearing warning signs distinguishable by day and adequate number of lighted lanterns or flares to give warnings of danger after dark.
 4. When the backfilling is completed, he will immediately notify the Superintendent of Public Works thereof, in writing, and will do such further work, if any, required by the Superintendent of Public Works to correct the backfilling. Notwithstanding the approval of the Superintendent of Public Works of any backfilling and/or restoration of curb, street or sidewalk, any person receiving permit under the provisions of any Article shall be obliged to restore to as good a condition or better as it was prior to excavation within thirty (30) days after backfilling and restoration shall have deteriorated, collapsed or become in any way unsatisfactory as determined by the Superintendent of Public Works.
 5. The restoration of the curb, street or sidewalk, to as good a condition or better as it was in prior to the excavating shall be done by the Village under the supervision of the Superintendent of Public Works at the expense of the permittee, to be deducted from the deposit made, and any deficiencies remaining after such deduction shall be paid on demand by the permittee.
- B. As a condition precedent to receiving permit hereunder, the applicant shall sign an agreement, endorsed upon this permit, reading substantially as follows:

Applicant acknowledges that he has read the provisions of Chapter 259, Streets and Sidewalks, 259-5, of the Code of the Village of Tarrytown, setting forth the duties and obligations imposed on the permittee, and as a precedent condition to receiving this permit, applicant agrees to fully and faithfully perform and discharge each and every one of such duties and obligations.

Applicant _____

259-5 Obligations of Permittees

A. The following duties and obligations are imposed upon each person receiving a permit under the provisions of this article:
[Amended 4-4-2011 by L.L. No. 3-2011]

- (1) Immediately upon completion of the work and upon completion of the inspection and approval of the work, the permittee shall backfill the excavation with K-crete in conformance with the Village's typical trench detail.
- (2) The permittee shall not permit the excavation to remain open longer than is strictly necessary for the performance of the work which required the excavation, but in no case shall the excavation remain open for more than 30 days.

[Amended 12-2-2013 by L.L. No. 14-2013]

- (3) Should the permittee fail to properly secure the excavation to a condition acceptable to the Village Engineer and/or Superintendent of Public Works or his/her designee, and after two hours' notice to the permittee to correctly secure the excavation, the Village will secure the excavation at the expense of the permittee, said cost to be deducted from the deposit paid, and any deficiency remaining after such deduction shall be paid on demand by the Village to the permittee. Should the Village determine that the failure to properly secure the excavation poses an immediate danger to the health and safety of vehicles and/or pedestrians, the Village will secure the excavation at the expense of the permittee, said cost to be deducted from the deposit paid, and any deficiency remaining after such deduction shall be paid on demand by the Village to the permittee.

[Amended 12-2-2013 by L.L. No. 14-2013 *Editor's Note: This local law also redesignated former Subsection A(3) and (4) as Subsection A(4) and (5), respectively.*]

- (4) While the excavation is wholly or partly open or when there exists a depression below the surrounding grade or an elevation higher than such grade because of excess backfill or for other reasons, the permittee shall provide adequate safeguards to the public by erecting a barrier or fence of distinctive type or color marking the outside limits of the affected area and bearing warning signs distinguishable by day and a barricade with flashing lights for the evening hours.
- (5) Should the permittee fail to restore the pavement to a condition acceptable to the Village Engineer and/or Superintendent of Public Works or his/her designee, and after 10 days' notice is provided to the permittee to correct the site of the restoration, the restoration of the pavement, curb and/or gutter to as good condition as it was in prior to the excavating shall be completed by the Village at the expense of the permittee, to be deducted from the deposit made, and any deficiency remaining after such deduction shall be paid on demand by the permittee.

B. As a condition precedent to receiving a permit hereunder, the applicant shall sign an agreement, endorsed upon the permit, reading substantially as follows:

C. A public-service corporation shall be permitted to do the work of restoration of the pavement, curb and/or gutter to a condition which meets the approval of the Superintendent of Highways in connection with work done by said public-service corporation under any permit issued by the Village.

§ 259-6. Fees.

The fee for each permit hereunder will be in accordance with the schedule of street-opening fees adopted by the Board of Trustees. *Editor's Note: Such fees are on file and available for inspection in the office of the Village Clerk during regular office hours.*

§ 259-7. Issuance of permit.

[Amended 12-2-2013 by L.L. No. 14-2013]

When there has been full compliance with the provisions herein stated and no other valid objections have appeared, the Superintendent of Highways will issue a permit to the applicant therefor. Work associated with a permit so issued shall be commenced and be completed within 30 days of the date of issuance of the permit. Should the work not commence and be completed within the thirty-day period, the permit shall automatically be deemed null and void, and the permit fee shall be retained by the Village and not refunded to the permit applicant or the person who paid the fee for the permit. A new permit shall be applied for and a new permit fee paid for the work declared null and void, pursuant to this section.

§ 259-8. Permit to be available at place of excavation.

Each person to whom a permit is issued hereunder must at all times have it available at the place of the excavation and, upon demand, show it to the representative of the Village.

§ 259-9. Emergencies.

A. Application.

- (1)** In an emergency, such as the breaking of a main or the stoppage of a sewer line or other condition calling for immediate opening of a street to prevent loss or injury to property, application may be made to the General Foreman or Building Inspector for an emergency permit, in person or by telephone, and authority shall be granted to proceed with the necessary work forthwith.

[Amended 5-6-1991 by L.L. No. 5-1991]

- (2)** In case of emergency due to the breakage of pipes or other cause, street openings may be made by a public-service corporation prior to obtaining a permit for a street opening; provided, however, that said public-service corporation shall have filed the required agreement in lieu of cash deposit and evidence of insurance or indemnity agreement as specified in §§ [259-3](#) and [259-4](#) of this article and provided further that said public-service corporation shall make application for the necessary street opening not later than 24 hours (Saturdays, Sundays and holidays not included) after said opening has been commenced.

- B.** Notifying police. If such emergency develops during hours when the Village office is closed, as during the night or on holidays, notification thereof shall be made to the Police Department, in person or by telephone, before proceeding with the street opening.

- C.** Duties thereafter. It shall be the duty of every person who undertakes to open a street under the provisions of this section to place warning signs, lights and barriers to protect the public and, upon the first day of resumption of regular business at the Village office, to comply with the provisions of §§ [259-2](#), [259-3](#), [259-4](#), [259-5](#) and [259-6](#) hereof, or to be held in violation of this article.

§ 259-10. Penalties for offenses.

[Amended 5-6-1991 by L.L. No. 5-1991; 12-2-2013 by L.L. No. 14-2013]

Except where otherwise noted, any person committing an offense against any provision of this chapter shall be guilty of a violation and upon conviction thereof shall be punishable for each offense by a fine of not less than \$250 for the first offense, \$500 for the second offense and no more than \$1,000 for each offense thereafter or by imprisonment for not more than 15 days, or both. Every violation of any provision shall be a separate and distinct offense, and in the case of continuing violations, every day that the violation continues shall be and is deemed to be a separate and distinct offense. In addition, for the infraction of any provision hereof, any permit may be canceled and permission to do similar work may be withheld from the offender for a period of three months from the time of such violation. This penalty is in addition to and not in derogation of or in substitution for, the general penalties provided in Chapter [1](#), General Provisions, Article [II](#).