

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~
~~County~~
~~City~~
~~Town~~
~~Village~~
~~XXXXXX~~

of PLATTSBURGH.....

Local Law No.1..... of the year 19 93...

A local law ESTABLISHING CERTAIN REQUIREMENTS FOR THE ISSUANCE OF STREET AND.....
(Insert Title) SIDEWALK OPENING PERMITS

Be it enacted by theCOMMON COUNCIL.....of the
(Name of Legislative Body)

~~County~~
~~City~~
~~Town~~
~~Village~~

of PLATTSBURGH..... as follows:

1. Terms. The following terms have the following meanings as used within this ordinance:

"Minor opening" means the removal of less than thirty six feet of street paving either along the length, or across the width of the street.

"Major opening" means the removal of thirty six feet or more of street paving either along the length, or across the width of the street.

2. Permit Requirement. No person shall excavate or remove the surface of any street, sidewalk, or unimproved City street or right of way without first obtaining a street and sidewalk opening permit.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

3. Authority to Issue Permits. The Building Inspector shall have the authority to issue street and sidewalk opening permits for minor openings. The City Engineer shall have the authority to issue street and sidewalk opening permits for major openings. The Building Inspector and City Engineer shall have the authority to impose such permit conditions as in their judgment are necessary to promote public safety, including the authority to specify the design, method of construction and materials used in making required improvements, temporary covers and barricades.

4. Permit Requirements. In addition to such conditions as may be imposed by the Building Inspector and City Engineer, the following requirements shall apply:

4.1 When a sidewalk or curb section is removed or damaged, it shall be replaced with new materials and shall not be patched or otherwise repaired.

4.2 When a street is opened under a minor opening permit, that area of the street that is disturbed, damaged or removed shall be repaired,

including such additional adjacent surface area as is necessary to insure that the repaired area abuts sound pavement.

4.3 When a street is opened under a major opening permit, the entire improved width of the street shall be re-surfaced, including such additional adjacent surface area as is necessary to insure that the re-surfaced area abuts sound pavement.

4.4 When an unimproved right of way, or portion of a right of way, is opened under a major opening permit, the City Engineer may require that the disturbed portion of the right of way be improved with paving or sidewalks.

4.5 When the City Engineer determines that weather conditions do not permit proper re-surfacing of streets or the installation of curbs or sidewalks he may require the holder of the permit to post a bond, cash deposit or other form of security deemed acceptable by the Corporation Counsel, to secure the holder's obligation to perform the work when weather conditions permit.

4.6 When the Common Council determines that it would be imprudent to impose the cost of re-surfacing the street on a permit holder in view of plans by the City to re-construct said street within a definite time, the Council may require the permit holder to pay the City a sum of money equal to the estimated cost of re-surfacing. Any moneys paid pursuant to this section shall be paid into a capital account established for the reconstruction of said street and may be used only for such purpose.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1993 of the ~~(County)(City)(Town)(Village)~~ of PLATTSBURGH was duly passed by the COMMON COUNCIL on February 4 1993, and was (approved)~~(not disapproved)~~~~(repassed after disapproval)~~ by the MAYOR and was deemed duly adopted on February 5 1993, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

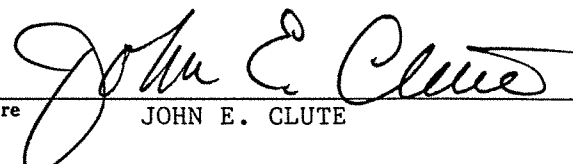
(Seal)

Date: 5 February 1993

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF CLINTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature JOHN E. CLUTE
Title CORPORATION COUNSEL

~~County~~
City of PLATTSBURGH
~~Town~~
~~Village~~
~~XXXXXX~~

Date: 5 February 1993