



Village of Fonda
Application for Street Opening - Driveway Work Permit

Permit No: _____

LOCATION OF EXCAVATION/OBSTRUCTION _____

CLOSEST INTERSECTING STREET _____

DIG SAFELY TICKET NO. _____ EFFECTIVE DATE OF DIG SAFELY TICKET NO. _____

CONTRACTOR/UTILITY _____ OWNER _____

ADDRESS _____ ADDRESS _____

CITY/STATE/ZIP _____ CITY/STATE/ZIP _____

PHONE () _____ - _____ PHONE () _____ - _____

24 Hr Phone () _____ - _____ EMAIL _____

EMAIL _____

REASON(S) FOR EXCAVATION:

(Check all that apply)

- ☐ Sewer Service
☐ Water Service
☐ Gas Service
☐ Telephone Duct
☐ Electric Cable
☐ Drainage
☐ Curb Cut
☐ Driveway
☐ Other: Specify _____

EXCAVATION INFORMATION

Start Date ____/____/____

Finish Date ____/____/____

Excavation Length (ft) _____

Excavation Width (ft) _____

Total Area (L x W=Area ft) _____

SKETCH PROPOSED WORK ON ATTACHED SHEET

Emergency? _____ If YES, please explain: _____

TYPES OF OBSTRUCTION:

(Check all that apply)

- ☐ Dumpster
☐ Construction Equipment
☐ Construction Material
☐ Other _____

APPLICANT NAME _____

APPLICANT SIGNATURE _____ DATE _____

EXCAVATOR SIGNATURE _____ DATE _____

OWNER'S SIGNATURE _____ DATE _____

BY SIGNING THIS FORM THE APPLICANT, OWNER AND EXCAVATOR ALL ACKNOWLEDGE AND CERTIFY THAT THEY ARE FAMILIAR WITH OR BEFORE COMMENCEMENT OF WORK WILL BECOME FAMILIAR WITH ALL LAWS AND REGULATIONS APPLICABLE TO WORK PROPOSED INCLUDING OSHA REGULATIONS AND ANY APPLICABLE MUNICIPAL ORDINANCES LAWS RULES AND REGULATIONS AND THEY COVENANT AND AGREE THAT ALL WORK DONE UNDER THE PERMIT ISSUED FOR SUCH WORK WILL COMPLY THEREWITH IN ALL RESPECTS AND WITH THE CONDITIONS SET FORTH BELOW.

THE UNDERSIGNED OWNER AUTHORIZES THE APPLICANT TO APPLY FOR THE PERMIT AND THE EXCAVATOR TO UNDERTAKE SUCH WORK ON THE PROPERTY OF THE OWNER AND ALSO FOR THE DURATION OF CONSTRUCTION AUTHORIZES PERSON DULY APPOINTED BY THE MUNICIPALITY TO ENTER UPON THE PROPERTY TO MONITOR AND INSPECT THE WORK FOR CONFORMITY WITH THE CONDITIONS ATTACHED HERETO. THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH THIS PERMIT AND THE WORK CONDUCTED THEREUNDER INCLUDING BUT NOT LIMITED TO ENFORCING THE REQUIREMENTS OF STATE LAW AND CONDITION OF THIS PERMIT INSPECTIONS MADE TO ASSURE COMPLIANCE THEREWITH AND MEASURES TAKEN BY THE MUNICIPALITY TO PROTECT THE PUBLIC WHERE THE APPLICANT OWNER OR EXCAVATOR HAS FAILED TO COMPLY THEREWITH. THE UNDERSIGNED APPLICANT OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO DEFEND INDEMNIFY AND HOLD HARMLESS THE MUNICIPALITY AND ALL OF ITS AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY, CAUSES OF ACTION, COSTS, AND EXPENSES RESULTING FROM OR ARISING OUT OF ANY INJURY, DEATH, LOSS, OR DAMAGE TO ANY PERSON OR PROPERTY DURING THE WORK CONDUCTED UNDER THIS PERMIT.

OFFICE USE ONLY

	YES	N/A	DATE
Inspection Complete	☐	☐	_____
Temporary Patch Installed	☐	☐	_____
Permanent Patch Installed	☐	☐	_____

FEES:

Application Fee (\$_____)	\$ _____
Inspection Fee (\$_____)	\$ _____
Total:	\$ _____

PUBLIC WORKS DEPARTMENT APPROVAL FOR PERMIT:

Signature _____

Date _____

NYS BLDG CODE OFFICER APPROVAL:

Signature _____

Date _____

NOTES:

PROPOSED STREET OPENING WORK SKETCH

ADDRESS: _____

A large, empty rectangular box with a thin black border, intended for a hand-drawn sketch of proposed street opening work. The box occupies the majority of the page below the header information.

Opening and Excavation of Sidewalks, Roadways and Improved Street Margins No person, firm or corporation shall open or cause to be opened, by cutting or excavating, the surface or soil of any street, highway, sidewalk area or public street for any purpose whatsoever without first obtaining any state and/or county licenses or permits where required and obtaining from the Street Commissioner a written permit for street opening and paying to the Village of Fonda the deposit required and without otherwise complying with the provisions of this article. No person, firm or corporation shall make or cause to be made any connection into a sanitary sewer, storm-water drain or water main in any easement or right-of-way across private property, said sanitary sewer, storm-water drain or water main forming a part of the sewer, drainage or water distribution system, respectively, of the Village of Fonda, without first obtaining from the Superintendent of Public Works a written permit for street opening. Such permit shall be valid for an effective period not to exceed 30 consecutive calendar days from date of issuance. Such effective period may be extended, if so requested in writing by the permittee prior to expiration thereof, for such additional period as the Street Commissioner may, in his discretion, allow.

Application for Permit Requirement Any person, firm or corporation desiring a permit for street opening shall make application therefor to the Street Commissioner for each such opening, upon forms to be provided for that purpose. Said application shall contain:

- 1) The names and addresses of the applicant and of the owner of the property in front of which or for whom the work is to be performed.
- 2) The location of such property and the section, plate, block and lot designation thereof.
- 3) The size and purpose of the opening to be made and the maximum size of such opening.
- 4) The date or dates when the work is to be performed.
- 5) The type of pavement or surface to be disturbed, together with such necessary sketches and additional information as the Street Commissioner may require.
- 6) A signed statement by the applicant that the said applicant agrees to perform the work for which the permit is granted strictly in accordance with the conditions of the permit, the provisions of the ordinances of the Village of Fonda and the applicable rules and regulations of the Department of Public Works.

Fees: No permit for street openings shall be issued by the Street Commissioner until the applicant therefor shall have first paid to the Village of Fonda, in cash or by certified check, payable to the Village of Fonda, a deposit, in such amounts as has been established by the Board of Trustees of the Village of Fonda. The Board of Trustees of the Village of Fonda shall establish these fees for all deposits required under this article each year at its annual organizational meeting, and in the event the Board of Trustees shall fail to establish such amounts, the amounts last established by the Board of Trustees shall continue in force and effect until a new amount is established. Such fees shall be established by resolution of the Board of Trustees and upon adoption shall become code of the Village of Fonda.

Contracted Services of Owner and Public Service Corporation – Bond & Insurance Requirements No permit for street opening shall be issued to a contractor or public service corporation by the Street Commissioner until the applicant therefor shall have first placed on file with the said Street Commissioner, without cost or expense to the Village, satisfactory evidence of general liability insurance

- 1) In a minimum of one million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury, personal injury, and property damage and not less than two million dollars (\$2,000,000.00) in the aggregate.
- 2) The coverage shall be in the nature of broad from commercial general liability coverage.
- 3) The Village Attorney reasonably may increase or decrease minimum insurance limits, depending on the potential liability of any project, to insure the Village and the applicant against any loss, injury or damage arising out of the granting of the permit or from any negligence or fault of said applicant, his agents, servants or employees in connection with the said opening or with any work related thereto.
- 4) The Board of Trustees of the Village of Fonda may establish and/or amend its minimum general liability insurance requirements by resolution at its organizational meeting each year, and in the event the Board of Trustees shall fail to establish such minimum requirements at its organizational meeting, the last established limits shall apply for the succeeding year and until new requirements have been adopted.
- 5) Such insurance shall remain in force throughout the effective period of the permit as well as any authorized extensions thereof and shall carry an endorsement to the effect that the insurance company will give at least 10 days' written notice to the Village of Fonda of any modification or cancellation of any such insurance.

Unless otherwise agreed upon between a public-service corporation and the Village of Fonda, a public-service corporation or commercial contractor may, in lieu of a deposit specified for a street opening, file and keep on file with the Superintendent of Public Works a bond in the amount of \$5,000, said bond to be approved as to form, amount and sufficiency of surety by the Village Attorney and said bond to be retained as security for the faithful performance by the applicant of all the terms, agreements, covenants and conditions of the permit on the applicant's part to be done or performed. A public-service corporation may, in lieu of the insurance hereinbefore specified for a street opening, file and keep on file with the Street Commissioner an agreement, approved as to form the Village Attorney, to indemnify and save harmless the Village of Fonda from claims, suits, actions, proceedings, losses, injuries, damages and costs of every name and description arising out of or resulting from any act or omission on the part of such public-service corporation under any permit granted to it or from any negligence or fault of such public-service corporation, its contractors, agents, servants or employees in connection with sidewalk, curb or driveway work or repairs or street openings or any work related thereto and to also defend on behalf of the Village of Fonda any such suits, actions or proceedings which may be instituted against the Village of Fonda. Any provision of any local law to the contrary notwithstanding, permits for street openings as required by any local law may be issued to any public-service corporation which shall pay to the Village of Fonda the amount of the fees therefor quarterly after request for payment is made. No permits for future openings shall be issued until payment is made in full for all outstanding permits as same shall have been billed. In case of emergency due to breakage of pipes, etc., street openings may be made by a public-service corporation prior to obtaining a permit for street opening; provided, however, that the said public-service corporation shall have filed the required bond and evidence of insurance or indemnity agreement as specified in this section and any other section of this article, and provided further that the said public-service corporation or commercial contractor shall make application for the necessary permit for street opening not later than 24 hours (Saturdays, Sundays and holidays not included) after said opening has been commenced.

Bond & Insurance Requirements – Property Owners Unless otherwise agreed upon between a property owner and the Village of Fonda, a property may, in lieu of a deposit specified for a street opening, file and keep on file with the Superintendent of Public Works a bond in the amount of \$5,000, said bond to be approved as to form, amount and sufficiency of surety by the Village Attorney and said bond to be retained as security for the faithful performance by the applicant of all the terms, agreements, covenants and conditions of the permit on the applicant's part to be done or performed. No permit for street opening shall be issued by the Street Commissioner until the applicant therefor shall have first placed on file with the said Street Commissioner, without cost or expense to the Village, satisfactory evidence of general liability and/or home owner insurance:

- 1) In an amount not less than the amounts established by the Village as minimum general liability insurance coverage's, and satisfactory evidence that said insurance has been approved as to form, correctness and adequacy by the Village Attorney, to insure the Village and the applicant against any loss, injury or damage arising out of the granting of the permit or from any negligence or fault of said applicant, his agents, servants or employees in connection with the said opening or with any work related thereto.

- 2) The Board of Trustees of the Village of Fonda shall establish its minimum general liability insurance requirements by resolution at its organizational meeting each year, and in the event the Board of Trustees shall fail to establish such minimum requirements at its organizational meeting, the last established limits shall apply for the succeeding year and until new requirements have been adopted.
- 3) The Village Attorney reasonably may increase or decrease minimum insurance limits, depending on the potential liability of any project., to insure the Village and the applicant against any loss, injury or damage arising out of the granting of the permit or from any negligence or fault of said applicant, his agents, servants or employees in connection with the said opening or with any work related thereto.
- 4) Such insurance shall remain in force throughout the effective period of the permit as well as any authorized extensions thereof and shall carry an endorsement to the effect that the insurance company will give at least 10 days' written notice to the Village of Fonda of any modification or cancellation of any such insurance.

Restoration with Temporary Surface The contractor shall place temporary resurfacing immediately after backfilling. The temporary pavement shall be kept in good condition until the permanent surfacing is placed. Temporary surfacing shall be approved by the Village Street Commissioner and consistent with current New York State DOT specifications. The contractor shall repair paving within 24 hours after written notification by the Village Street Commissioner. If repairs are not made within the time specified, the Village Street Commissioner may allow the owner to repair or have the same repaired, and the cost of such repairs shall be deducted from the bond of the contractor. An ample supply of cold-mix bituminous material, crushed stone, bank-run gravel and other materials for repair shall be kept near the job site; and the contractor shall provide continuous maintenance, filling depressions and ruts as they appear. All hard-surfaced driveways, sidewalks, walkways and paths disturbed by the work shall be immediately restored with a temporary surface. Upon completion of the backfilling of the trenches on streets, the exposed edges of the existing pavement shall be cut back to straight, even lines parallel to the center line of the trench. The exposed face of the existing pavement shall be clean and free of dirt or other substances, which would prevent proper bonding with the temporary pavement. The sub-grade shall be formed to the required line, grade and cross section and properly rolled. Any unsuitable material shall be removed and replaced with suitable material. The applicant shall at all times provide and maintain adequate safety barriers, warning signs and warning lights in the immediate vicinity of any open excavation or street depressions. Such devices shall conform to the standards of the State of New York.

Performance by Village Workers The Street Commissioner may, in his discretion, cause any or all of the work contemplated in this article to be done by the Village's own forces or by contract or otherwise, in which case the Village shall be reimbursed for any expense incurred, and the permittee shall have no claim against the Village for loss of anticipated profits or for any other losses by reason thereof.

Penalties for Offenses Any person or persons, partnership, association or corporation doing or permitting to be done or causing to be done any act contrary to the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$500.00 or to imprisonment for not more than 15 days, or both, for each offense. Every violation of any provision of this article shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance thereof shall be and is deemed to be a separate and distinct violation.