

§ 191-14. Written permission to tunnel required.

No person having a permit secured under this article shall, under any circumstances, tunnel under macadam, asphalt macadam, concrete or similarly paved roads for the purpose of connecting to water or sewer facilities unless written permission from the Superintendent of Streets shall first have been secured.

§ 191-15. Openings into water or sewer facilities.

All openings into any water or sewer facilities shall be made only by plumbers duly licensed by the City.¹

§ 191-16. Compliance with directions of Superintendent of Streets required.

Any person to whom a permit is issued under the terms of this article must comply with all directions of the Superintendent of Streets designed to secure the safety of persons and their property lawfully using the streets of the City. Such directions may be given orally or in writing by the Superintendent or his representative.

§ 191-17. Penalties for offenses.

Any person, firm or corporation or his or its representative, agent or employee who shall violate any of the provisions of this article shall be punished by the imposition of a penalty as prescribed in § 1-3.

§ 191-18. Permit required.

No person, without having first secured a permit therefor from the City Clerk as provided in this article, shall:

- A. Fill in or raise or cause to be filled in or raised any street or any part thereof.
- B. Take up, remove or carry away or cause to be taken up, removed or carried away any asphalt or asphalt blocks, flagstones, turf, stone, gravel, concrete, sand, clay or earth from any street or part thereof.

§ 191-19. Application for permit.

Any person may apply to the City Clerk for a permit required by this article to open a street.

1. Editor's Note: See Ch. 167, Plumbing.

§ 191-20. Fee and work rules.

- A. The applicant for a permit under this article or the person for whose benefit the excavation or opening is to be made shall pay a fee as set forth in the City of Beacon fee schedule² to the Superintendent of Streets for each street opening. **[Amended 7-6-2010 by L.L. No. 10-2010]**
- B. A permit shall be obtained no less than 24 hours before any work is performed. All work shall be done during regular work hours of the Highway Department. The Superintendent of Streets may waive these requirements in the event of an emergency.
- C. The opening shall be backfilled with item and tamped in one-foot lifts before applying four inches of blacktop. All openings shall be square cut and edges shall be cleaned before patching. Openings in concrete roads shall be filled with K-Crete or approved equal from the bottom of the trench to two inches below the riding surface. The riding surface shall consist of two inches of blacktop. The opening shall be properly maintained at all times during construction and the quality of the work (in case of settlement) shall be guaranteed for a period of one year. During construction, barricades, lights and other safety devices shall be employed as required by law or custom in the construction industry.

§ 191-21. Bond and insurance.

- A. Before a permit may be granted under this article by the Superintendent of Streets to any person to open any City street, the applicant for such permit shall execute a continuing bond to the City in the sum of \$10,000, to be executed by a recognized and responsible surety company authorized to do business in Dutchess County, New York, subject to the same conditions as contained in a plumber's bond.
- B. Before a permit may be granted under this article by the Superintendent of Streets to any person duly licensed as a plumber by the City to open any water and sewer facility, the applicant for such permit shall execute a continuing bond to the City in the sum of \$10,000, to be executed by a recognized and responsible surety company authorized to do business in Dutchess County, New York.
- C. Before a permit may be granted, the applicant must submit to the Superintendent of Streets a certificate of insurance providing

2. Editor's Note: The fee schedule is on file in the City offices.

a minimum coverage of \$500,000 for any one injury, accident or occurrence, naming the City of Beacon as an additional insured. Coverage shall be provided for bodily injury and property damage, underground collapse and explosion resulting in any way from the applicant's performance of work under its permit and for the applicant's completed operations.