

*Village of Penn Yan*



*on Keuka Lake*

Mayor Leigh MacKerchar  
Trustee Danny Condella  
Trustee Teresa Hoban  
Trustee Norman Koek  
Trustee Kevin McLoud  
Trustee Raymond Spencer  
Trustee Richard D. Stewart  
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## ***NOTICE OF PUBLIC HEARING***

### **VILLAGE OF PENN YAN**

Proposed Local Law to Amend Article 2 “Right-of-way Work Permit” of Chapter 174 “Streets and Sidewalks”.

Notice is hereby given that a Public Hearing by the Board of Trustees of the Village of Penn Yan, County of Yates, State of New York, will be held at the Village Hall, 111 Elm Street, Penn Yan, New York, on the 19th day of October, 2021, at 6:00 p.m. upon the proposed Local Law.

The effect of this Local Law will be to establish regulations pertaining to non-street opening uses of street rights-of-way.

The Village Hall is in compliance with accessibility standards of the Americans With Disabilities Act. Any person with a handicap wishing to attend and/or be heard at the public hearing should contact the Village Clerk’s Office at least five (5) business days prior to the date of the public hearing to request any special needs.

All persons interested in this proposed Local Law will be heard by the Board of Trustees at the Public Hearing to be held as stated above. Copies of the proposed Local Law are available at the Office of the Clerk of the Village of Penn Yan, 111 Elm Street, Penn Yan, NY 14527 during regular business hours.

A copy of the proposed Local Law may also be examined on the Village website [www.villageofpennyan.com](http://www.villageofpennyan.com).

Gary Meeks, Village Clerk/Treasurer  
Village of Penn Yan

## *Local Law Filing*

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

Proposed Local Law O of 2021 Amending Chapter 174, the "Vehicles and Traffic" of the Code of the Village of Penn Yan.

Be it enacted by the Board of Trustees of the Village of Penn Yan, in the County of Yates, as follows:

### **SECTION 1. SHORT TITLE**

This Local Law shall be known as the "Street Opening Permit Deposit" of Code Section 174.8 Amendment of the "Streets and Sidewalks" Chapter of 2021."

### **SECTION 2. LEGISLATIVE FINDINGS AND INTENT**

The Board of Trustees determines that the present deposit amount of \$500.00 as a security for proper street surface restoration is inadequate and that the Director of Public Works or his/her designee should set the amount to of the deposit upon analysis of the nature of the street opening not to be less than \$500.00. Further, a separate permit for non-street opening obstructions to the right-of-way is being proposed.

### **SECTION 3. LEGISLATIVE AUTHORITY**

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

### **SECTION 4. PROVISIONS**

The following amendment is made to Article 2 "Right of Way Work Permit" of Chapter 174 "Streets and Sidewalks" of the Village Code:

I. Subsection "A" of Section 174.8 "Certificate of Liability Insurance." of Chapter 174 "Streets and Sidewalks", is amended to provide as follows:

§174.8 "Street restoration deposit and certificate of general liability insurance

A. Prior to issuance of a street opening permit, the applicant shall pay to the Village Clerk a permit application fee, the amount thereof to be determined from time to time by the Board of Trustees, together with a deposit in an amount to be determined by the Director of Public Works or his/her designee, based upon the nature of the openings, for each permit, not to be less than \$500.00 The deposit shall be utilized by the Village for

street surface restoration of the street opening site in the event that the street surface restoration is not performed or is inadequately performed by the permit holder. The deposit shall be subject to the provisions of Section 174.9 of this Article. By acceptance of the street opening permit the permit holder agrees to the terms hereof. Further, the applicant shall file with the Village Clerk a certificate of general liability insurance with no exclusions, in the amount not \$1,000,000 per person and \$1,000,000 per accident for personal insure and in the amount of \$1,000,000 for property damages, with the Village of Penn Yan as a named insured.

B. The duration of the permit shall be determined by the Department of Public Works Director or his/her designee, which duration shall be set so that the obstruction is for the shortest period possible.

II. The following section shall be added numerically to Article II: "Right of Way Work Permit" of Chapter 174 "Streets and Sidewalks" of the Village Code.

174-8.1 Right of Way Work Permit; without street opening.

A. A permit shall be required in the event that any street, public sidewalk, quasi-public sidewalk or other public area will be obstructed due to any type of construction or other activity by any non-governmental person or entity.

B. Prior to issuance of the permit, the applicant shall pay a filing fee, the amount thereof to be determined from time to time by the Board of Trustees, together with a deposit of \$500.00 for each permit. The deposit shall be utilized by the Village for any damage done to Village infrastructure as a result of utilization of the Right-of-Way Permit by the recipient thereof. Any portion of the deposit not applied as provided for herein shall be refunded to the permit holder. The deposit shall be subject to the provisions of Section 174.9 of this Article. By acceptance of the right-of-way permit the permit holder agrees to the terms hereof. The Department of Public Works Director or his/her designee shall, prior to issuance of the permit, determine whether liability insurance with the Village as a named insured, shall be required.

C. The Department of Public Works Director or his/her designee shall further determine the termination date of the permit, which date shall be set so that the obstruction will be for the shortest period possible.

D. The initial permit period shall not exceed ten (10) days in length without good cause shown.

E. Permit extensions or renewals shall be subject to approval of the DPW Director or his/her designee.

F. The permit periods shall not exceed thirty (30) consecutive days without a showing of extraordinary circumstances upon written application for such a permit period extension.

**SECTION 5. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York, subsequent to having been duly adopted by the Board of Trustees of the Village of Penn Yan.

*(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 the year 2021, was duly passed by the Board of Trustees of the Village of Penn Yan on \_\_\_\_\_, 2021, in accordance with the applicable provisions of law.**

**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 1 above.**

\_\_\_\_\_  
Gary Meeks, Clerk/Treasurer

(SEAL)

Date:

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

STATE OF NEW YORK)  
COUNTY YATES ) ss:

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.

\_\_\_\_\_  
Edward J. Brockman, Village Attorney

Village of Penn Yan

Date: