VILLAGE OF CLAYTON
APPLICATION FOR EXCAVATION PERMIT

Instructions: complete form; submit to DPW Superintendent for verification of plans; bring form, fee and deposit to Village Clerk/Treasurer's office for processing.

Applicant Name_____ Date_____

Address_____

Protective Liability Policy No. (Please provide copy of policy)_____

Property Owner_____ Tax Map No. 20._____

Address_____

Location of Excavation_____

Purpose_____

_____

Size of opening: Min._____ Max._____

Date or Dates Work to be Performed_____

Type of Pavement or Surface to be disturbed: (Attach necessary sketches and additional information if required by Superintendent)_____

_____

Are other government agencies involved? If so, specify _____

_____

Statement by Applicant: I have received a copy of the Village Code for Excavation and agree 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 Clayton and the applicable rules and regulations of the Department of Public Works.

Fee _____

Date Rec'd _____

Signed _____

Title _____

Approved by _____

DPW Superintendent

Date _____

ARTICLE VI
Excavations
[Adopted 1-6-1987 by L.L. No. 2-1987]

§ 110-30. Permit required.

A. 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 therefor any state and/or county licenses or permits where required and obtaining from the Superintendent of Public Works a written permit for street opening and paying to the Village of Clayton the deposit required and without otherwise complying with the provisions of this article.

B. No person, firm or corporation shall make or cause to be made any connection into a sanitary sewer, stormwater drain or water main in any easement or right-of-way across private property, said sanitary sewer, stormwater drain or water main forming a part of the sewer, drainage or water distribution system, respectively, of the Village of Clayton, without first obtaining from the Superintendent of Public Works a written permit for street opening.

C. 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 Superintendent of Public Works may, in his discretion, allow.

§ 110-31. Application for permit.

A. Any person, firm or corporation desiring a permit for street opening shall make application therefor to the Superintendent of Public Works for each such opening, upon forms to be provided for that purpose.

B. 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 Superintendent 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

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conditions of the permit, the provisions of the ordinances of the Village of Clayton and the applicable rules and regulations of the Department of Public Works.

§ 110-32. Insurance requirements.

A. No permit for street opening shall be issued by the Superintendent until the applicant therefor shall have first placed on file with the said Superintendent, without cost or expense to the Village, satisfactory evidence of general liability insurance in an amount not less than the amounts established by the Village as minimum general liability insurance coverages, 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. The Board of Trustees of the Village of Clayton 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. **[Amended 9-10-2007 by L.L. No. 6-2007]**

B. 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 Clayton of any modification or cancellation of any such insurance.

§ 110-33. Fees. [Amended 9-10-2007 by L.L. No. 6-2007]

No permit for street openings shall be issued by the Superintendent of Public Works until the applicant therefor shall have first paid to the Village of Clayton, in cash or by certified check, payable to the Village of Clayton, a deposit, in such amounts as has been established by the Board of Trustees of the Village of Clayton. The Board of Trustees of the Village of Clayton 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 a part of Chapter 110 of the Code of the Village of Clayton.[1]

§ 110-34. Public-service corporations.

A. Unless otherwise agreed upon between a public-service corporation and the Village of Clayton, a public-service corporation may, in lieu of a deposit hereinabove specified for a street opening, file and keep on file with the Superintendent of Public

1. **Editor's Note: Former § 110-34, Deposits, which immediately followed this section, was repealed 9-10-2007 by L.L. No. 6-2007. This local law also renumbered §§ 110-35 through 110-39 as §§ 110-34 through 110-38, respectively.**

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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.

B. A public-service corporation may, in lieu of the insurance hereinbefore specified for a street opening, file and keep on file with the Superintendent of Public Works an agreement, approved as to form the Village Attorney, to indemnify and save harmless the Village of Clayton 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 Clayton any such suits, actions or proceedings which may be instituted against the Village of Clayton.

C. 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 Clayton 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.

D. 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 in § 110-32 of this article, and provided further that the said public-service corporation 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.

§ 110-35. Restoration with temporary surface.

A. Temporary resurfacing shall be placed by the contractor immediately after backfilling. The temporary pavement shall be kept in good condition until the permanent surfacing is placed.

B. Temporary surfacing shall consist of a gravel or crushed stone base and a cold-mix bituminous concrete surfacing. The thickness required shall be as follows:

(1) Base: six inches.

(2) Surface: two inches.

C. The contractor shall repair paving within 24 hours after written notification by the Village Engineer or the Superintendent of Public Works. If repairs are not made

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within the time specified, the Village Engineer or the Superintendent of Public Works 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.

D. 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.

E. All hard-surfaced driveways, sidewalks, walkways and paths disturbed by the work shall be immediately restored with a temporary surface.

F. 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.

G. The subgrade 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.

H. 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.

§ 110-36. Final pavement.

Final pavement shall consist of a concrete base 10 1/2 inches thick and 2 1/2 inches of bituminous macadam. The width of the concrete base shall be the trench width plus six feet, and the width of the bituminous macadam shall be the trench width plus eight feet. The bituminous macadam surfacing shall consist of a one-and-one-half-inch binder course and a one-inch wearing course. The bituminous macadam mix and the placement of the final surfacing shall conform to the requirements of the New York State Department of Public Works specifications.

§ 110-37. Performance of work by Village.

The Superintendent of Public Works 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 thereby in accordance with the provisions of § 110-34 of this article,[2] and the permittee shall have no claim against the Village for loss of anticipated profits or for any other losses by reason thereof.

2. Editor's Note: Former § 110-34, Deposits, was repealed 9-10-2007 by L.L. No. 6-2007. See now § 110-33, Fees.

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§ 110-38. 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 $250 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.

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VILLAGE OF CLAYTON
FEE SCHEDULE

Fee Structure for Zoning Permits

DETERMINE SQUARE FOOTAGE:

First, calculate value using **Chart "A"**, value of structure per square foot
Second, use **Chart "B"** to determine price of permit
Third, obtain **Permit** from Zoning Enforcement Officer

Chart "A"

Value of structure per square foot

Boathouse	$25.00	per square foot
Carport	$10.00	per square foot
Change in use of existing structure	$15.00	per square foot
(with no change to size of structure)		
Church projects (recognized)	$10.00	per square foot
Commercial Office/Retail	$50.00	per square foot
Commercial Workshop/Manufacturing	$50.00	per square foot
Deck	$5.00	per square foot
Dock - crib	$25.00	per square foot
Dock - floating	$15.00	per square foot
Garage, Storage Building	$10.00	per square foot of coverage
Government-sponsored projects	$10.00	per square foot
(police, fire, etc.)		
Not-for-profit group projects	$15.00	per square foot
(museums, etc.)		
Porch	$25.00	per square foot
Residential/Modular Structure	$60.00	per square foot
Manufactured Homes (mobile homes)	$100.00	(cost of permit, initial and replacement)

Chart "B"

Price of Permit based on value of Structure

$0	to	$2,000	$30.00	
$2,001	to	$25,000	$30.00	for first $2,000 + $2.50 for each additional $1,000 or fraction thereof
$25,001	to	$100,000	$87.50	for first $25,000 + $2.00 for each additional $1,000 or fraction thereof
$100,001	to	$250,000	$237.50	for first $100,000 + $2.10 for each additional $1,000 or fraction thereof
$250,001	to	$500,000	$552.50	for first $250,000 + $2.20 for each additional $1,000 or fraction thereof
$500,001	to	$1,000,000	$1,105.00	for first $500,000 + $2.30 for each additional $1,000 or fraction thereof
$1,000,001	to	$5,000,000	$3,505.00	for first $1,000,000 + $2.40 for each additional $1,000 or fraction thereof
Over $5,000,001			$15,505.00	for first $5,000,000 + $2.50 for each additional $1,000 or fraction thereof

Approved: 12/12/2005 by Village Bd.
Updated: 03/24/2008; 12/01/2008;
12/06/2010 by Village Bd.

Sign Permit	$30.00
Annual License Fee (Mobile Home Parks)	$200.00 (payable to Village of Clayton)

Zoning Board of Appeals

Variance application	$90.00	*(includes Signboard to Advertise Public Hearing)*
Appeals application	$75.00	
Special meeting called by applicant	$150.00	

Planning Board

Special Use Permit application	$90.00	*(includes Signboard to Advertise Public Hearing)*
* Site Plan review application	$75.00	
LWRP Compliance Review	$75.00	* ADDED 12/06/10
Special meeting called by applicant	$150.00	

* Additional fees may be required. Refer to chart below to determine additional amounts. These funds will be used to seek professional assistance, administrative costs and other expenses that may be incurred as a result of the review process. Left over funds will be returned to applicant with a receipt of explanation. It is the discretion of the Planning Board to determine the need for additional fees or the non-requirement of fees.

Site Plan Review Deposit Amounts

Further costs could be added dependent upon the complexity of project

Up to $2,000			No fee other than application fee
$2,001	to	$10,000	$100.00
$10,001	to	$25,000	$200.00

$25,001 and above: use a multiplier of $.005 times value of structure from **Chart "B"**

NOTE TO PERMIT HOLDERS

Zoning permits must be displayed in view before construction begins and until completion of project.

OTHER FEES

NOTE: The Village Code Book (including Zoning) is available on-line (www.villageofclayton.org)

Village Zoning Law (copy)	$20.00	
Single sheet copies	$0.25	per sheet
Tax Search	$15.00	
Peddler's Permit Fee	$50.00	
Tapping Fees (Water and Sewer)	$1,000.00	per tap
Street Opening Fee	$50.00	* Revised 12/05/2011

Approved: 12/12/2005 by Village Bd.
Updated: 03/24/2008; 12/01/2008;
12/06/2010 by Village Bd.