

221122 Ordinance 6 Excavation Permits

Summary of the Ordinance

The purpose of Ordinance 6, adopted June 1972, is to “provide for an acceptable standard of road restoration in cases requiring excavation through or into the roads of the Village” which “shall apply equally to public agencies, public utilities, private contractors, leaseholders and/or residents.”

Section 2, amended in January 1971, specifies that

- All excavations in Village roads require a Road Excavation Permit in advance of excavation
- The Village Treasurer issues the permit and collects the fee
- The fee is determined by the Civic Committee with the consent of the Town Assembly.

Section 3 specifies that the Road Excavation Permit will document the details of the road restoration and provide for inspection of the work. The road restoration details must be approved by the Civic Committee.

Section 4 provides for Emergency Excavations

Section 5 describes fines and other actions to be taken in the event of excavations which do not follow Sections 1-4 of the Ordinance.

Discussion

In general, Ordinance 6 is necessary and well written. Some minor revisions to the Ordinance language, in consultation with the Civic Committee, would improve the clarity and workability of the Ordinance. The Excavation Permit document should be reviewed and updated concurrently so that the Ordinance and the permit are consistent and clear.

The biggest issue with this Ordinance is that it appears to have been inactive since about 2011. John Scheflen reports obtaining an excavation permit in 2011. The current and previous Treasurers (Skip Bailey, Dave Michelson) and current Civic Chair Steve Benigni all report no experience with excavation permits during their tenure.

Susan Rothrock, Civic Chair until 2010, provided the following background.

- A copy of the excavation permit.
- During her tenure, Delmarva and Suez (now Veolia) were well informed and on board with the excavation permit process. The Ordinance should probably be revised to clarify responsibility to maintain communication with utilities.

- It is not clear how new residents are informed of ordinances and other relevant Village information. MLS information typically says “no HOA”, which is actually incorrect. Enforcement of Village ordinances may be impeded if new residents do not feel properly informed of their obligations.
- In updating enforcement policies generally, consider adding language that Trustees should be informed about certain violations. Since the Trustees have the power to place a lien on a property, but the Village Government is now separately responsible for operations, there needs to be a specific action called for to bring the Trustees in as needed.

Recommendations

- Review Ordinance 6 and the Road Excavation Permit concurrently with the Civic Committee to clarify and align language of both documents with respect to Permit Process, Roles and Responsibilities, and validation of Road Restoration after the excavation. Document where blank and completed Permit Forms are archived.
- Change the name of the ordinance to specifically apply to Road Restoration.
- Review and update the Permit Fee as required
- Add a section to the Ordinance to specify that the Civic Committee should regularly inform affected utilities, such as Veolia and Delmarva, of the Ordinance 6 requirements. Consider communicating with utilities (1) prior to first reading of revised ordinance at Town Assembly, (2) upon adoption of the new ordinance, (3) annually thereafter. Only the annual communication needs to be in the Ordinance.
- Add a section to the Ordinance to specify how residents should be informed of the requirements for an excavation permit. The process of revising the Ordinance will naturally remind current residents of the permit requirements. The Ordinance should specify (1) how new residents are informed, (2) what periodic reminders should be provided by the Civic Committee.
- Revise Section 5 to (1) update fines, (2) define an enforcement role for the Trustees as appropriate.