

Village of Lancaster Local Law _____ of the year 2026

A Local Law to amend, §263-27. "Protection of excavations; restoration" and repeal §263-65 "Responsibility for costs" of Chapter 263 "Sewers" and to amend Chapter 139 "Excavations" of the Code of the Village of Lancaster.

Whereas the Village Board of the Village of Lancaster has resolved that provisions of the Village Code relating to excavations upon Village Streets need to be updated and;

Whereas §263-19 "Responsibility for costs" and §263-65 "Responsibility for costs" of Chapter 263 "Sewers" of the Code of the Village of Lancaster are identical in language and;

Whereas it is prudent to avoid duplicative language in a Village Code;

Now;

Be it enacted by the Village Board of the Village of Lancaster, New York as follows:

1) Village Code Chapter 263 "Sewers" § 263-27. "Protection of excavations; restoration" of shall be amended to read as follows:

§ 263-27. Protection of excavations; restoration.

All excavations for building sewer installation shall be compliant with the provisions of Chapter 139 "Excavations", and be adequately guarded with barricades and lights so as to protect the public from hazard.

Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

2) Village Code Chapter 263 "Sewers" § 263-65 "Responsibility for costs" shall be repealed and designated as "Reserved"

3) Village Code Chapter 139 "Excavations" shall be amended to read as follows:

Chapter 139. Excavations

§ 139-1. Permission required.

No person, firm or corporation shall open or cause to be opened, by cutting or digging, the surface, pavement or soil in any street, highway or public ground in the Village of Lancaster without first securing the written consent of the Superintendent of the Village Department of Public Works or other Village official authorized by the Village Board, paying the fee and submitting the financial security prescribed by §§139-2 and 139-5 and complying with the following provisions and conditions of this chapter.

§ 139-2. Fees.

The fees for street openings shall be as set forth in Ch. 144, Fees, of the Code of the Village of Lancaster.

§ 139-3. Guarding excavations.

Any person, firm or corporation making or causing to be made any excavation in the streets, highways or public grounds of the Village of Lancaster shall properly guard or barricade such excavation at all times, and install and maintain at night proper and sufficient red lights or flares to warn travelers, and shall restore the highway to its former usefulness, according to § 139-4.

§ 139-4. Restoration of pavement.

All excavated materials shall be removed, following which all openings shall be carefully backfilled for their entire length, width, and depth in the street area, including the area between the curb and the property line, with crushed gravel or crushed stone, well tamped. Additional crushed gravel or crushed stone shall be added by the permittee as long as any settlement occurs, following which the pavement will be restored by the Village of Lancaster if necessary.

§ 139-5. Financial Security

A. Subject to subparagraph B, in order to ensure the full and faithful restoration of streets, sidewalks, parkways, and other public property disturbed in the course of work, the permit applicant or property owner

shall provide the Village Clerk prior to excavation a \$5,000 cash escrow or a performance bond from an appropriate financial or surety institution which guarantees satisfactory completion of the project. The Village Clerk shall notify the Superintendent of the Village Department of Public Works when the requisite financial security has been submitted. The applicant or property owner shall notify the Superintendent of the Village Department of Public Works when the project is complete. At that time, the Superintendent shall arrange an inspection of the project. The Superintendent shall advise the Village Clerk when the project has been satisfactorily completed. The Village Clerk shall not release or return the cash escrow or performance bond until advised by the Superintendent that the project has been satisfactorily completed.

B. All persons, firms or corporations engaged within the Village of Lancaster in the telephone, gas or electric business, or any other business the nature of which would require or result in frequent applications for permits to make constructions or excavations in the streets or highways of the Village, may, in lieu of submitting financial security established at §139-5.A, provide a general bond indemnifying the Village of Lancaster from any and all loss, cost or damage, as aforesaid, resulting or arising directly or indirectly at any time from any act done by said person, firm, or corporation. Said bond shall be in the amount of \$20,000 and shall be renewed annually, or as long as such person, firm, or corporation continues to do business within the Village of Lancaster.

§139-6 Supervision of work.

All work done pursuant to this chapter shall be done and performed subject to the supervision and approval of the Superintendent of Public Works or his authorized agent.

§ 139-7 Stop orders.

A. Whenever the Superintendent of Public Works or his authorized agent has reasonable grounds to believe that work is being performed in violation of the provisions of this chapter or in an unsafe or dangerous manner, he shall notify the owner of the property and, if, another, the holder of the excavation permit to suspend all work and

any such person shall forthwith stop such work until the stop order has been rescinded.

B. A notice issued by the Superintendent of Public Works or his authorized agent pursuant to subsection A of this section shall be in writing and may be served upon the person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the work being performed and sending a copy of the same by certified or registered mail.

§ 139-8. Penalties for offenses.

Any person who shall fail to comply with a written order of the Superintendent of Public Works or his authorized agent within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the excavation process who shall knowingly violate any of the applicable provisions of this chapter or any lawful order, notice, directive, or permit or certificate of the Superintendent of Public Works or his authorized agent issued pursuant to this Chapter shall be punishable as provided in Chapter 1, General Provisions, Article II, Penalties for Offenses, of the Code of the Village of Lancaster. Each day that a violation continues shall be deemed a separate offense.

4) This local law shall become effective the 20th day following its enactment.