

ORDINANCE REGULATING USE AND EXCAVATION WITHIN
THE HIGHWAYS OF THE TOWN OF DUNKIRK

Pursuant to Section 130 of the Town Law of the State of New York, the Town Board of the Town of Dunkirk, County of Chautauqua, State of New York, does hereby ordain and enact as follows:

SECTION I - TERRITORY AFFECTED

This ordinance shall be applicable to all town highway right of ways located in the Town of Dunkirk outside of incorporated villages.

SECTION II - PERMIT

No utility lines, pipes, wires or appliances of any kind or description shall be installed within the limits of any town highway of the Town of Dunkirk without a permit being obtained from the Town Board for such purpose after a public hearing.

SECTION III - APPLICATION

No permit shall be granted unless a written application shall be presented to the Town Board of the Town of Dunkirk on a form prepared by the Town Board of the Town of Dunkirk.

SECTION IV - PERMIT FEE

There shall be a non-refundable fee of \$10.00 deposited at the time the application is submitted plus a refundable fee of \$.10 per foot of lineal occupancy in the event the application is not approved.

SECTION V - EXEMPTION

The provisions of this ordinance shall not apply in the case of normal maintenance and repairs to existing utility lines, wires, pipes and appliances. The provisions of this ordinance shall not apply to those utility companies or public utility companies as defined by the Public Service Law of the

State of New York and which are subject to the jurisdiction and supervision of the Public Service Commission of the State of New York.

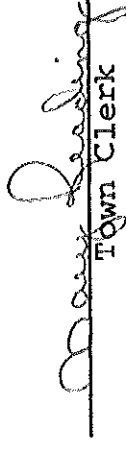
SECTION VI - PENALTIES

Any person, firm or corporation who violates any provision of this Ordinance or shall omit, neglect or refuse to do any act required by this Ordinance shall severally, for each and every such violation and non-compliance respectively forfeit and pay a civil penalty of Fifty (\$50.00) Dollars. The imposition of all penalties for any violation of this Ordinance shall not excuse the violation or permit it to continue. When a violation of this Ordinance or any provisions thereof is continuous, each day's continued violation shall constitute a separate and distinct violation. The application of the above penalty or penalties shall not be held to prevent the enforced removal of conditions prohibited by this Ordinance or the taking of such other action as may be authorized by law. The penalties provided by this Section shall be recovered by the Town of Dunkirk in a civil action.

SECTION VII - EFFECTIVE DATE

This Ordinance shall take effect immediately.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF DUNKIRK.


Town Clerk