

3.04 AN ORDINANCE TO REGULATE PERFORMANE OF UTILITY  
TELECOMUNICATION FIBER OPTIC LINES AND NATURAL  
GAS LINES UPON TOWN ROADS AND STREETS.

WHEREAS it is necessary that the Town Board superintend all laying, changing, plowing and maintaining water, gas lines and pipes, electric light, telecommunication and fiber optic lines and or poles where such activity will involve excavation. alteration, damage or destruction of town streets or the potential therefore, for the following reasons: such activity will affect and may detrimentally threaten the free and safe flow of traffic upon town streets, such activity may hamper or restrict the town's ability to make necessary improvements on it's right of way. Such supervision will facilitate the town's control and enforcement of public contracts, and such supervision will foster. encourage and promote the health, safety and general welfare of the public;

THEREFORE, the Town of Cassian does ordain:

- I. Any entity or individual desiring to conduct any of the above described activity shall apply to the Town Chairman for a permit therefor,
2. No entity or individual shall conduct such activity without a permit signed by the Town Chairman or Town Clerk.
3. Each permit issued shall require, as a condition of issuance and continuing effective permission, that the entity or individual conducting the above described activities comply with the following:
  - (A) Specific times and the manner that town streets may be used for such activities.
  - (B) An individual chosen by the town may be present to superintend the activities especially any plowing of or burying cables or lines within town roads.
  - (C) The individual or entity conducting such activities shall reimburse the town for costs of providing the superintending individual pursuant to sub-paragraph "b" immediately above.
  - (D) The individual or entity conducting these activities shall restore or repair all town road damage or in any matter physically affected by that individual's or entity's activities as covered by this ordinance. In the event the town and the individual or entity disagree as to the restoration or repairs appropriate under this ordinance. the parties agree to accept the decision for restoration or repair to be made by the Oneida County Highway commissioner.

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The arbitrator may be changed at any time by mutual agreement between the town and the individual or entity. Any charges for services made by the arbitrator shall be paid in equal amounts by the town and the individual or entity.

4. If in the case of an emergency, resulting in sudden, unexpected and unavoidable interruption and loss of services as described above, requiring the activities described above, caused by fire, storm or other similar emergency, and only to the extent necessitated by the emergency and to restore the lost or interrupted service, the permit required hereunder may be waived by the town chairman; such waiver may be given orally, however oral waiver shall be effective only for 24 hours after given.