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BILL NO. ~~18-OF-~~ 2019

A Local Law to amend *Russell Gardens Code* Chapter 45 entitled “Streets and Sidewalks.”

Section One: *Russell Gardens Code* §45-1 entitled “Permission required to excavate or open public streets or property” is hereby amended as follows:

No person or corporation shall excavate, open or dig up any public street or public property, including sidewalks, in the Village of Russell Gardens without first obtaining permission, in writing, from the Village Clerk of said village. Such permission may be granted by said Village Clerk whenever application therefor shall be made in the manner provided by this article and upon payment of a permit fee ~~of \$100 as set forth in the fee schedule established under Chapter 12 of this Code~~, plus any deposit for restoration as specified under § 45-3 hereof.

Section Two: *Russell Gardens Code* §45-3 entitled “Deposits” is hereby amended as follows:

Before any such permission shall be granted there shall be deposited with the Village Clerk ~~the sum of not less than \$500 cash or certified check~~ a sum as set forth in the fee schedule established under Chapter 12 of this Code, unless the Village Board fixes a higher sum, which shall be returned to the applicant when he shall have complied with the provisions of this article, or shall be applied, to the extent necessary, to the reimbursement of the village for any expense deemed reasonable by its Village Board resulting from the failure of the applicant to comply with the provisions of this article.

Section Three: *Russell Gardens Code* §45-17 entitled “Permit required” is hereby amended as follows:

No dumpster or other waste container shall be placed upon any sidewalk, street, highway or other public place within the village. No dumpster or other waste container shall be placed upon any private property within the village unless a permit shall first have been obtained and a fee ~~of \$10 as set forth in the fee schedule established under Chapter 12 of this Code~~ shall have been paid therefor.

Section Four: If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is

invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section Five: This local law shall take effect immediately upon filing with the Secretary of State.