

**Chapter 104**  
**PROTECTION OF TOWN HIGHWAYS**

**§ 104-1. Purpose.**

**§ 104-3. Failure to comply.**

**§ 104-2. Permit required.**

**[HISTORY: Adopted by the Town of Rochester at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Streets and sidewalks — See Ch. 121.**

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**§ 104-1. Purpose.**

The purpose of this chapter is to promote the public health, safety and general welfare and to regulate construction activities over, under or contiguous to any existing or proposed town highway.

**§ 104-2. Permit required.**

- A. No street surface, driveway, overhead or underground crossing drainage, sewer or water pipe or other work shall be constructed or maintained over, under or contiguous to any town highway or proposed town highway or connecting thereto except under such conditions and regulations as may be prescribed by the Town Superintendent of Highways and only after securing a permit as provided herein.
- B. Upon request, the Town Superintendent of Highways shall issue a permit pursuant to this section but only after the applicant therefor agrees in writing to the regulations, conditions and restrictions as may be prescribed by said Superintendent of Highways.
- C. Upon completion of the work applied for in said permit to the Superintendent of Highways' satisfaction, he shall, upon request, issue a certificate stating that the regulations, conditions and restrictions agreed to have been met.

**§ 104-3. Failure to comply.**

Upon failure of the applicant to comply with any of the restrictions, conditions and regulations prescribed by the Superintendent of Highways, said Superintendent may remove any pipes, hydrants or appurtenances which may have been placed in or contiguous to the highway pursuant to said permit.