

## **Local Law #1 of 2016 Driveway Permit Program – Adopted July 12, 2016**

### **Section 1: Legislative Findings and Purpose.**

The Town Board has determined that it is in the best interest of the citizens and taxpayers of the Town to establish a permit program with respect to new or extended driveways connecting to Town roads in order to ensure that certain minimum standards as to construction at the point of connection are adhered to, and to provide for ongoing maintenance of driveway connection points.

### **Section 2: Authority.**

This local law is enacted pursuant to New York Municipal Home Rule Law § 10, New York Statute of Local Governments § 10, and New York Town Law § 64.

### **Section 3: Definitions.**

“Driveway” shall mean any improvement constructed for purposes of permitting access from a Town highway to adjacent property.

“Driveway Pipe” shall mean any culvert pipe or similar such pipe installed in connection with the construction of a Driveway.

“Shoulder” shall mean the area between the edge of the pavement or grading on a Town highway and the ditch running along said highway.

“Superintendent” shall mean the Town of Hector Highway Superintendent and/or his/her designated representative.

### **Section 4: Permit Required**

A. No party shall construct a new Driveway, or expand an existing Driveway, without first obtaining a driveway permit from the Superintendent as herein provided.

B. Application for a driveway permit shall be made to the Superintendent upon such form as the Superintendent shall prescribe from time to time, and shall include such other supporting information and documentation as the Superintendent shall require. The Town Board may, by resolution, set a required fee to accompany each driveway permit application.

C. Following receipt of a completed application, the Superintendent shall visit the site where the proposed Driveway is to be located.

D. Following such site visit, the Superintendent shall either issue the driveway permit, or issue to the applicant a written denial of the permit application, which shall include a statement as to the reason(s) for denial. Construction of a Driveway may not commence until a permit has been issued and received by the applicant.

## **Section 5: Specifications**

- A. The Superintendent shall be notified at least twenty-four hours in advance of any driveway construction work so as to afford the Superintendent the opportunity to observe and inspect said work to ensure compliance with the specifications herein.
- B. All Driveway Pipes shall be of a material acceptable to the Superintendent. If a Driveway Pipe is to be composed of more than one piece, all pieces shall be substantially joined together by a plastic pipe band or other means acceptable to the Superintendent.
- C. The minimum diameter of all Driveway Pipes shall be twelve inches.
- D. The minimum length of all Driveway Pipes shall be twenty feet.
- E. All Driveway Pipes shall have flared ends.
- F. All Driveway Pipes shall be set so that the inlet end is not so high as to block water flow in the ditch, and so that the outlet end shall not be lower than the ditch. The Superintendent shall determine the necessity of any work to the ditch prior to installation of a Driveway Pipe, and may make completion of such work a condition to issuance of a driveway permit.
- G. No portion of the Driveway located within the Shoulder shall be constructed so as to be higher than the Shoulder.
- H. Drainage along the Driveway shall be installed and maintained so as to prevent water from running onto the Shoulder.

## **Section 6: Driveway Pipe Installation**

All Driveway Pipes must be purchased by the owner of the Driveway. The owner may request that Town Highway Department personnel set the Driveway Pipe. If the Owner elects to have the Town set the Driveway Pipe, the Town shall charge a fee as determined by the Superintendent, which shall be paid in full in advance of any work being done. The setting of the Driveway Pipe will be scheduled by the Superintendent as workload permits.

## **Section 7: Maintenance**

The owner of the Driveway is responsible for maintaining adequate drainage so as to prevent water run-off from the Driveway onto the Shoulder, and for keeping both ends of the Driveway Pipe free of obstructions and blockages.

## **Section 8: Enforcement and Penalties for Offenses.**

- A. In addition to the following penalties and punishment, the attorney for the Town may, at the request of the Town Board, maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain any violation of this local law.
- B. The Town Highway Superintendent and Town Code Enforcement Officer are hereby authorized to issue and serve appearance tickets with respect to any violation of this local law. The Town Attorney shall prosecute all such violations.

C. Any Person or Persons convicted of violating any provision of this local law shall be guilty of a violation. A conviction of a first violation is punishable by a fine of not more than \$500 or imprisonment not to exceed three months, or both. A conviction of a second violation occurring within a period of five years is punishable by a fine of not less than \$500 nor more than \$800 or imprisonment not to exceed six months, or both. A conviction of a third violation occurring within a period of five years is punishable by a fine of not less than \$800 nor more than \$1,000 or imprisonment not to exceed nine months, or both. Each day that a violation continues uncorrected or is resumed shall constitute a separate additional violation.

#### **Section 9: Severability.**

If any part or provision of this local law or the application thereto to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

#### **Section 10: Effective Date.**

This local law shall take effect upon filing with the New York Secretary of State.