

**LOCAL LAW NO. 1 OF 2022
TOWN OF RENSSELAERVILLE**

A local law to establish a permit program with respect to new or extended driveways connecting to town public roads within the jurisdiction of the Town of Rensselaerville.

Be it enacted by the duly convened Town Board of the Town of Rensselaerville as follows:

Section 1. Title:

This law shall be known as the “Local Law Establishing a Driveway Permit Program”.

Section 2. Purpose and Intent:

The Town Board has determined that it is in the public interest to establish a permit program with respect to new or extended driveways connecting to town public roads in the Town of Rensselaerville to ensure that certain minimum standards of construction at the point of connection between the beginning of the driveway and the town public road are adhered to. This legislation is intended to collect information relative to driveways to be constructed, and to put property owners on notice to the requirements of the Town of Rensselaerville prior to driveway construction or repair.

Section 3. Authority:

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

Section 4. Definitions:

“Driveway” shall mean any private farm road, road, logging road or improvement constructed for the purpose of providing access to and from a Town public road to adjacent property.

“Driveway Pipe” shall mean any culvert 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 road and the ditch or swale adjacent to said Town road.

“Superintendent” shall mean the Town of Rensselaerville Highway Superintendent and/or the Superintendent’s designated representative.

Section 5. Permit Required:

- A. No party shall construct a new Driveway, expand an existing Driveway or alter 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 and shall include such other supporting information and documentation as the Superintendent may require. The Application for Driveway Permit is attached hereto and made a part hereof.
- C. Following receipt of a completed application, the Superintendent shall visit the site where the proposed Driveway is to be located or is located.
- D. Construction of a Driveway shall not commence until a permit has been issued and the required fee has been paid by the Applicant.

Section 6. Specifications:

- A. The Superintendent shall be notified by the property owner at least twenty-four hours in advance of any Driveway construction 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 determined by the Highway Superintendent. Driveway Pipe specifications shall be noted on the permit.
- D. The minimum length of all Driveway Pipes shall be twenty (20) feet. Maximum length shall be noted on the permit.
- E. 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.
- F. No portion of the Driveway located within the Shoulder shall be constructed so as to be higher than the Shoulder.
- G. Drainage along the Driveway shall be installed so as to prevent water from running onto the Shoulder.

Section 7. Driveway Pipe Installation:

All Driveway Pipes for new culverts shall be purchased by the Owner of the Driveway. Town Highway Department personnel shall set the Driveway Pipe. In addition to the cost of the pipe the property owner shall pay for the cost of a truck and operator, an excavator and operator, one flagger and the appropriate gravel. The actual cost for the appropriate gravel, equipment and town employees shall be determined by resolution by the Town Board on an annual basis. The setting of the Driveway Pipe will be scheduled by the Superintendent, as workload permits. All fees must be paid in full prior to commencement of any work.

Section 8. Maintenance:

- A. The Owner is required to maintain clear sight distance, free of obstructions, natural and man-made.
- B. Check dams may be required along the edge(s) of the Driveway to prevent erosion.

Section 9. No Certificate of Occupancy:

No Certificate of Occupancy shall be issued by the Building Inspector or any department or agency of the Town of Rensselaerville until final written approval of the Driveway construction has been given by the Superintendent.

Section 10. Enforcement:

- A. In addition to the following penalties and punishments, 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.
- 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. 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. 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. Each day that a violation continues uncorrected or is resumed shall constitute a separate additional violation.

Section 11. 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 12. Effective Date:

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