

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~CITY~~

~~CITY~~

Town

~~CITY~~

of DELAWARE

Local Law No. 1 of the year 20⁰³

A local law regulating the dedication of roads and drainage
(Insert Title)
facilities in the Town of Delaware.

Be it enacted by the Town Board of the
(Name of Legislative Body)

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Town

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of Delaware as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section One: Title – This is a Law regulating the dedication of any road or drainage facilities in connection therewith in the Town of Delaware, Sullivan County, New York. It may be referred to as the “Town of Delaware Road Law”.

Section Two: Purpose – This law is enacted for the purpose of insuring that all roads dedicated to the Town of Delaware meet certain minimum standards of construction and safety. It is further, the objective of this law to avoid the assumption of Town responsibility for roads which would be difficult and costly to maintain or potential safety hazards until such deficiencies are first corrected.

Section Three: Jurisdiction and Scope – This law shall apply to all roads proposed for dedication to the Town of Delaware, Sullivan County, New York. No road shall be accepted for maintenance by the Town of Delaware unless said road meets the standards contained herein and has been reviewed and approved by the Town of Delaware Highway Superintendent.

Section Four: Standards – The following shall be the minimum requirements for any road dedication to the Town:

- a) **Right-of-Way** – A legal right-of-way of not less than fifty (50’) feet shall be provided. “Legal right-of-way” shall mean the width dedicated to road purposes which may be greater than the area actually used as a traveled portion, shoulders and drainage facilities. Greater widths may be required to include the top of cuts or bottom of fills.
- b) **Line and Grade** – The line and grade of all roadways shall be constructed or reconstructed to maintain a minimum sight distance in either direction of 300 feet measured at eye level. Grades shall be no less than 0.5% nor more than 12.0%, except that grades of up to 15% may be accepted for distances of 500 feet separated by distances of 500 feet. Horizontal curves shall have a minimum radius of 510 feet and a maximum curvature of 11.5 degrees.
- c) **Road Section** – The road section shall as a minimum meet the standards utilized in the “Typical Road Cross Section – Town of Delaware” which is attached and hereby made part of this Law. This includes minimum widths for the traveled portion of the road and shoulders of twenty (20’) feet and five (5’) feet respectively. “Traveled Portion” shall mean that part of the road with base and top constructed as herein provided and over which vehicles may be driven. Cut and fill slopes shall be no greater than one (1) on two (2) or 50% using earth and three (3) on one (1) in rock. The road base shall be a minimum of thirty (30’) feet in width.

- d) **Road Surface** – Each road shall contain a subbase of material placed on a stable and compacted subgrade or ground of which no rock particle shall exceed two (2') feet in diameter. The use of underdrains and geotextile filter or stabilization fabrics may be directed by the Town Highway Superintendent to insure a stabilized subgrade. A bottom course of the subbase shall be required in every instance and shall consist of a thirty (30') foot wide, eight (8") inch course of bank run gravel or crushed stone of which no particle shall exceed such a size as will pass through a four (4") inch square hole or sieve. This shall be topped with a twenty (20') foot wide, four (4") inch course of selected gravel or crushed stone of which no particle shall exceed such size as will pass through a two (2") inch square hole or sieve. Each course will be installed in lifts not exceeding six (6") inches in depth and will be compacted with a vibratory compactor achieving a compaction satisfactory to the Town Highway Superintendent. Shoulder material will be the same as the subbase top course. A bituminous surface shall be installed and shall be a minimum of thirty (30') feet in width to include the shoulders. The bituminous surface shall have a compacted thickness of at least three (3") inches consisting of a two (2") inch course of Type 3 binder hot mix asphalt concrete and a one (1") inch course of Type 6F top hot mix asphalt concrete or a three (3") inch course of sealed cold mix asphalt.
- e) **Drainage** – At each point where the road is intersected by a driveway which requires that surface drainage water be carried under the drive, a sluice pipe of not less than twelve (12") inches in diameter nor less than twenty (20') feet in length, constructed of corrugated or heavy steel pipe, heavy duty polyethylene (HDPE), or equivalent, as approved by the Town Highway Superintendent shall be installed across the width of the driveway and extending an additional one (1') foot beyond on both sides. It shall be installed with a minimum of one (1') foot of tamped impermeable cover. In instances involving unusually heavy traffic the Town Highway Superintendent may also specify greater dimensions for driveway culverts and sluices. Headwalls shall be installed on each end of the pipe.

At each point along the road where a cross drain is required a sluice pipe of not less than fifteen (15") inches in diameter nor less than forty (40') feet in length, constructed of corrugated or heavy steel pipe, heavy duty polyethylene (HDPE), or equivalent, as approved by the Town Highway Superintendent, shall be installed across the width of the base and extending two (2') feet beyond on both sides. It shall be installed with a minimum of two (2') feet of tamped impermeable cover consisting of one (1') foot of compacted earth and one (1') foot of gravel or crushed stone as specified in Section Four (d) above. In instances involving unusually

heavy traffic or large drainage basins, the Town Highway Superintendent may consult with the Sullivan County Soil and Water Conservation District and/or specify greater dimensions for culverts and sluices. Headwalls shall be installed on each end of the pipe. Any watercourse requiring a drainage structure which will have a waterway area in excess of 150 square feet in size or a span across the watercourse of fifteen (15') feet shall be designed by a Professional Engineer. Any headwalls, drop inlets, catch basins, manholes, or similar structures for the removal of stormwater shall be of a design and material approved by the Town Highway Superintendent.

- f) **Dead-End Streets** – Dead-end streets shall end in a cul-de-sac with a surface area of not less than eight (80') feet in diameter, and a right-of-way of not less than 120' feet in diameter. Within the center of this cul-de-sac and surfaced area an unsurfaced area of not more than forty (40') feet in diameter may be permitted with approved internal drainage. No structures may, however, be permitted in this area.
- g) **Guardrails** – Guardrails of a type approved by the Town Highway Superintendent shall be installed in any instance where the difference in elevation from the edge of a shoulder to the toe of any slope within the road right-of-way is greater than six (6') feet. Should the right-of-way be in excess of fifty (50') feet in width, guardrails will be required in any instance where the slope away from the road exceeds 35%.
- h) **Miscellaneous** – All slopes shall be seeded and mulched to prevent erosion. All signs installed shall be in conformance with the New York State Manual of Uniform Traffic Control Devices. If name signs are provided they shall comply with standards established by the Town Highway Superintendent and no road shall be named the same as any other existing or proposed highway within the Town of Delaware. Intersections shall be as close to 90° as possible but in no case less than 60°. Intersections shall be offset a minimum of 125'. All road curves shall be adequately banked.
- i) **State Requirements** – All other requirements of State Law, insofar as Town highway construction is concerned, also apply to roads proposed for dedication to the Town of Delaware. These requirements are in addition to any specifications outlined herein.

Section Five: Procedures – Any person or persons proposing to dedicate a road to the Town of Delaware shall prepare plans of the same in five (5) copies to be submitted to the Town Board, together with the specified filing fee, for approval. Plans shall be prepared by a Professional Engineer and maps shall be at a scale of 1" = 100' or larger. Plans shall include a map showing names of streets, cross-sections, grades and

distances and bearings of right-of-way lines. The plans shall also include such information in writing as may be necessary to document compliance with this Law. This shall include;

- 1) Such information as required to adequately reflect land conditions, topography, soils, etc..
- 2) Details on road widths and dimensions of other facilities.
- 3) Specifications for drainage structures and bridges.
- 4) Identification of the markers which will indicate on the ground the location of property lines.
- 5) A certification regarding the identity of each property owner along the right-of-way of the road together with an indication as to whether such property owner joins in the submission for approval of the plans and releases any right to assert any claim such property owner might otherwise have against any person, persons, partnership, corporation or political subdivision by reason of the dedication of such road.

Plans and attachments, after filing with the Town Board, shall be distributed as follows:

- 1) One with the Town Highway Superintendent.
- 2) One with the Town Planning Board.
- 3) One with the Town Supervisor.
- 4) Two with the Town Clerk's permanent files.

Prior to action by the Town Board, the Town Highway Superintendent and the Town Planning Board shall review the plans of the proposed dedication. The Planning Board shall, within thirty (30) days, indicate its recommendations to the Town Highway Superintendent who shall, within sixty (60) days, make an inspection of the road. He may also request a Professional Engineer to accompany him, the cost of whose services shall be borne by the person or persons proposing dedication of the road. At the time of this inspection or within fifteen (15) days thereafter, the Superintendent shall notify the persons proposing dedication of the road of any deficiencies with respect to this law or of any additional requirements he may choose to impose as a result of the authority granted him by this Law. The applicant shall have time as necessary to respond and/or amend plans submitted to the Town of Delaware, but if more than one year elapses between the submission of original and amended plans, the amended submission shall require the filing of additional fees. Amended plans shall also require an additional inspection to determine whether deficiencies have been corrected.

Once the Town Highway Superintendent is satisfied that the road proposed for dedication will meet the requirements of this Law and he has inspected the road in order to ascertain the same, he shall make a recommendation to the Town Board to accept the road as a Town Highway.

Upon receipt of the Highway Superintendent's recommendation to accept a road as a Town Highway, the Town Board shall within sixty (60) days, vote to accept or reject the road. The Town Board may make its own inspection of the road in arriving at its decision. In the event the plans are rejected for any reason, the applicant shall be notified within fifteen (15) days to reasons why and how the road can be brought into compliance with the Law. The applicant may request a conference with the Town Board and Highway Superintendent to review the reasons why the plans were rejected and how it can be corrected, which conference shall take place at the earliest date convenient to the Town Board.

Upon a vote by the Town Board to accept the road the affected property owners shall deliver the deed(s) for the right-of-way, which deeds shall be of a bargain and sale type with covenant against grantors acts. Lands transferred to the Town shall be in fee simple. Any drainage easements shall be included in a deed. All deeds shall be recorded at no cost to the Town Board in final acceptance of the road by the Town, the Town Board shall be governed by the requirements of the New York State Town law and various Highway Laws.

Section Six: Variations – Variations to the standards contained herein may be approved by the Town Board upon recommendation of the Town Highway Superintendent in order to accommodate unusual or severe topographic conditions. No approved variations, however, shall constitute a change in the basic specifications set forth as applied to other roads.

Section Seven: Violations – Any person who violates any provision of this law shall be deemed to have committed an offense against this Law and also shall be liable for said violation.

Any person, firm, or corporation violating this Law shall be subject to a civil penalty enforceable and collectable by the Town in the amount of \$350.00 for each offense; such penalty shall be collectable by and in the name of the Town.

Each day of continued violation after notice thereof shall constitute a separate violation and offense.

In addition to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any portion of this Law.

Section Eight: Repealer – This Law shall supersede all prior local laws, ordinances, rules and regulations relative to the standards for roads and highways proposed for dedication to the Town of Delaware and they shall be, upon the effective date of this local law, null and void.

Section Nine: Effect of invalidity – If any clause, sentence, phrase, paragraph or any part of this Law shall for any reason be adjusted finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby intended to be the legislative intent that the remainder of this Law would have been adopted had any such provisions not been included.

Section Ten: Effective date – This Law shall take effect immediately upon filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 1 _____ of 20-03 of the ~~(County)(City)(Town)(Village)~~ Delaware of _____ was duly passed by the Town Board on August 20 20 03 in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20-_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20_____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20-_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20_____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20-_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20_____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body
TESS MC BEATH, TOWN CLERK

Date: August 21, 2003

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SULLIVAN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
KENNETH C. KLEIN
TOWN ATTORNEY
Title

~~XXXXX~~
~~XXIX~~ of Delaware
Town
~~XXXXXX~~

Date: _____