

(Please Use this Form for Filing your 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.

~~COUNTY~~  
~~CITY~~ of Delaware  
Town  
~~VILLAGE~~  
Local Law No. 1 of the year 19 88

A local law to Regulate the Construction and Reconstruction of Driveways, to Provide  
(Insert title)  
for Permits, and Penalties for Violation

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

~~COUNTY~~  
~~CITY~~ of Delaware as follows:  
Town  
~~VILLAGE~~

(If additional space is needed, please attach sheets of the same size as this and number each)

**TOWN OF DELAWARE  
SULLIVAN COUNTY, NEW YORK**

Local Law No. 4 of the Year 1988

**ENTITLED**

**A LOCAL LAW TO REGULATE THE CONSTRUCTION AND RECONSTRUCTION  
OF DRIVEWAYS, TO PROVIDE FOR PERMITS, AND PENALTIES FOR VIOLATION**

**100 - PURPOSE**

**101 - Findings**

- 101.1 - The Town Board of the Town of Delaware hereby finds that the unregulated construction of driveways for use by vehicles to and from Town Highways prevents a hazard to the public and interferes with the maintenance of Town Highways by the Town of Delaware Highway Department.
- 101.2 - The Town Board further finds that to prevent unregulated construction of driveways for use by vehicles, permits shall be required to insure that such driveways shall meet certain minimum standards.

**200 - DEFINITIONS**

201 - Unless the context requires a different meaning the following terms shall mean:

- 201.1 - "Superintendent" shall mean the Town of Delaware Highway Superintendent.
- 201.2 - "Zoning Law" shall mean the Town of Delaware Zoning Law.
- 201.3 - "Driveway" shall mean an access drive whether or not improved, whereby a motor vehicle as defined in the Vehicle and Traffic Law shall have access to or from a Town Highway and the adjacent property.

**300 - REQUIREMENTS**

- 301 - No property owner or occupant shall construct or reconstruct a driveway unless such owner shall have obtained a permit from the Superintendent.
- 302 - No property owner or occupant shall use a driveway hereinafter constructed or

any driveway which is hereinafter reconstructed without having first obtained a permit from the Superintendent.

#### 400 - PERMIT REQUIREMENTS

- 401 - A property owner or occupant who intends to use a driveway shall submit to the Superintendent a plan of the driveway with sufficient detail to show that construction or reconstruction of such driveway shall satisfy the requirements set forth in Title 500 of this Local Law together with an area map showing that such driveway complies with the sighting and location requirements of the Zoning Law and such other laws as may be applicable.
- 402 - If the Superintendent is satisfied that the information contained in the application for a permit will result in construction of a driveway that complies with this Local Law, he shall issue a construction permit. Upon completion of the construction of the driveway, the Superintendent shall issue a final permit if such driveway shall as constructed comply with this Local Law.
- 403 - A permit shall be deemed filed when all of the information required by this Local Law shall have been furnished to the Superintendent together with a fee as established by the Town Board by resolution.

#### 500 - DRIVEWAY REQUIREMENTS

##### 501 - Driveway Grades

- 501.1 - Driveway grades shall be constructed to slope downward from the edge of road pavement to the existing drainage or ditch line.
- 501.2 - Driveway must have suitable drainage ditches and be crowned no less than 1/4" per foot.
- 501.3 - Area of driveway between edge of road pavement and ditch line shall have suitable base of at least 8 inches of gravel or equivalent.
- 501.4 - Driveways with pavement starting at the edge of existing road pavement shall slope downward to the centerline of existing ditch with a minimum slope of 1/4" per foot.
- 501.5 - Where existing driveways are to be paved or repaved and do not meet the requirements given herein, they shall be regraded to meet the minimum standard acceptable to the Town of Delaware Highway Department.
- 501.6 - Drainage of highway ditches shall not be impeded. All driveway pipes must be installed to conform with the existing grade of a ditch or drainage line.
- 501.7 - No part of any driveway shall be constructed outside of the

frontage of an applicant's property. Location of driveway shall comply with Zoning and all applicable local laws of the Town of Delaware.

#### 502 - Driveway Pipes

- 502.1 - All driveway culvert pipe with necessary collars, couplings or connectors must be furnished by applicant.
  - 502.2 - Culvert pipe must be new or in a condition acceptable to the Town of Delaware Highway Department.
  - 502.3 - Minimum diameter of pipe for normal drainage area shall be 12 inches. If water shed or drainage area warrants a larger pipe, the size determined and recommended by a licensed P. E. or the Superintendent of Highways shall be installed.
  - 502.4 - The length of pipe installation shall be 20 feet minimum not exceeding 40 feet maximum.
  - 502.5 - A waiver or modification of the requirements contained herein may be given at the discretion of the Town of Delaware Highway Superintendent in those instances where strict enforcement thereof would not be in the interest of the health and safety of the residents of the Town of Delaware.
  - 502.6 - Installation of driveway culvert pipe shall be subject to approval of permit.
- 503 - The Superintendent shall adopt reasonable regulations concerning the method of construction and materials to be used.

#### 600 - VIOLATIONS, PENALTIES, ENFORCEMENT

- 601 - **Criminal Penalty:** A person who shall have violated this Local Law shall be guilty of a violation and shall be imprisoned for a term not exceeding 15 days or a fine not exceeding \$100.00, or both. Each separate day of violation shall constitute a separate offense.
- 602 - The Town Attorney may enforce this Local Law by injunction.
- 603 - **Civil Penalty:** A person who shall have violated this Local Law shall be subject to a civil penalty not to exceed \$100.00 per each violation. Each separate day of violation shall constitute a separate violation.
- 604 - The Superintendent may construct a barrier in front of any driveway hereinafter constructed or reconstructed in violation of this Local Law. Such barrier shall be located within the Town Highway right of way.

**700 - MISCELLANEOUS**

**701 - Severability:** Should any section or provision of this Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or of any part thereof other than the part so decided to be unconstitutional or invalid.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. ..... of 1988...  
~~County~~  
of the ~~City~~ of Delaware..... was duly passed by the Town Board.....  
Town (Name of Legislative Body)  
~~Village~~  
on June 9..... 1988... in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the .....  
Town (Name of Legislative Body)  
Village  
on ..... 19..... and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer \*  
and was deemed duly adopted on ..... 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the .....  
Town (Name of Legislative Body)  
Village  
on ..... 19..... and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer \*  
on ..... 19..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on ..... 19....., in accordance with the appli-  
annual  
cable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the ..... on  
Town (Name of Legislative Body)  
Village  
..... 19..... and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer \*  
..... 19...... Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
..... 19....., in accordance with the applicable provisions of law.

\*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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with 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 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on ..... 19 ..... became operative.

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

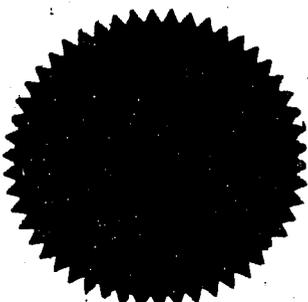
I hereby certify that the local law annexed hereto, designated as Local Law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of 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.

*Steven Bauerstein*  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 17, 1988



(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.

*William White*  
Signature  
Town Attorney  
Title

Date: June 17, 1988

~~County~~  
~~City~~ of Delaware  
Town  
~~Village~~