

TOWN OF HARPERSFIELD, DELAWARE COUNTY, NEW YORK

LOCAL LAW NO. 01 OF THE YEAR 2005

A LOCAL LAW REGULATING THE LOCATION, CONSTRUCTION AND REPAIR OF ALL DRIVEWAYS AND ACCESS ROADS WITH ENTRANCES AND EXITS ON TOWN HIGHWAYS IN THE TOWN OF HARPERSFIELD, DELAWARE COUNTY, STATE OF NEW YORK.

Section 1. No person, firm or corporation shall open or excavate in any Town highway nor construct, reconstruct, alter or relocate any new or existing driveway entrance or exit abutting a Town highway or cause the same to be done for any purpose whatsoever until a permit therefor has been issued by the Superintendent of Highways upon written application as provided. A separate permit shall be required for each such highway opening or driveway entrance or exit construction, reconstruction, alteration or relocation.

Section 2. An applicant proposing a Subdivision shall not receive final approval without first meeting with the Town Highway Superintendent regarding the accessibility of each lot. The applicant shall provide the Town Planning Board with information verifying that the Town Highway Superintendent has inspected the site and has determined that each new lot can be adequately accessed from a Town road.

Section 3. No Building Permit Application for on-site construction shall be considered by the Town Code Enforcement Officer until an initial driveway inspection has been performed and an acceptable location has been sited. In order for the Town Code Enforcement Officer to perform necessary inspections, a passable driveway must also be constructed in site location prior to the issuance of any Building Permit Application for additional on-site construction. No Certificate of Occupancy shall be issued by the Town Code Enforcement Officer until after the driveway is completed, inspected and approved by the Town Highway Superintendent.

Section 4. Driveway / Access Road Design Regulations:

- A. A Driveway / Access Road permit shall not be assigned or transferred without the written consent of the Town Highway Superintendent.
- B. The Town Highway Superintendent reserves the right to revoke or annul this permit at any time should said permittee fail to comply with the terms and conditions upon which it is granted.
- C. The work authorized by this Driveway / Access Road permit shall be performed under the direction and to the satisfaction of the Town Highway Superintendent

or his representative.

- D. All locations shall be approved by the Town Highway Superintendent or his representative.
- E. The Town Highway Superintendent shall be given one week's notice by the permittee of the date when it intends to begin the work authorized by this permit and prompt notice of its completion.
- F. No driveway shall be permitted within one hundred (100) feet of any Town Highway intersection.
- G. Driveways shall have a minimum of three hundred twenty five (325) feet horizontal sight distance. This amount of sight distance is calculated as follows:
 - 1. Accesses shall have a minimum stopping distance for a 45 MPH design speed (AASHTO), measured 10 feet back from edge of road pavement at a 42 inch eye height and a 42 inch object height.
 - 2. The minimum return radius between the edge of the access road and the edge of the existing Town road paved surface shall be 15 feet.
- H. The permittee shall submit to the Town Highway Superintendent a detailed plan of the structure to be built with an outline of the proposed method of construction before any work hereunder is started.
- I. Traffic shall be maintained by the applicant on this section of highway while the work is in progress and until its final completion.
- J. Equipment with chains, armored tires, lugs, etc, will not be permitted on the pavement area.
- K. At least two full working days before the start of any excavation, the said permittee is required to contact the One-Call System (UFPO) at 1-800-962-7962 to request the locations of buried facilities at the work site.
- L. Culvert pipe(s) shall be new or in a condition acceptable to the Town Highway Superintendent. Prior to construction, applicants shall contact the Town Highway Superintendent for specifications of the size pipe and materials required for installation. The Town Highway Superintendent must approve all culvert(s) installations. If the Town is contracted for the culvert installation, the

owner shall be responsible for the purchase of the pipe, all materials and labor required for proper installation of the culvert(s).

- M. In the event that the existing drainage capacity on the Town road would be insufficient to handle the additional runoff brought about by this construction work, it will be the responsibility of the applicant to pay for any remedial work such as increasing ditch capacity, erosion control, installation of larger culverts, or outfall improvements. It will also be the responsibility of the applicant to obtain any necessary landowner permission or easements.
- N. Privately owned ditches must be maintained in a manner that prevents storm runoff from private drives from entering onto a Town highway. The Town of Harpersfield may hold individual property owner(s) financially responsible for any damage to Town highways relating from private drive runoff (i.e. washouts, debris, ditch maintenance, etc.).
- O. The applicant agrees, in consideration of this permit, that any present or future injury to or disturbance of the highway, its slopes or ditches, caused by this construction shall be repaired by the applicant at his/her own expense and in accordance with instructions of the Town Highway Superintendent.
- P. In locations where guide rail must be removed, the removal, and the installation of terminals, radius sections, posts, anchors, etc. will be done by the Town, in accordance with the NYS DOT standards. It will be the responsibility of the applicant to pay the Town for the guide rail work at the time of issuance of this permit. The fee will be in accordance with the Delaware County fee schedule.
- Q. All surplus earth and rubbish shall be cleaned up and removed from the highway upon the completion of the work, and the highway left in a neat and orderly condition.
- R. The said permittee shall be responsible for all damages resulting in bodily injury, including death, and/or property damage liability due to activities of the permittee, its contractors, subcontractors of either or both, agents or employees in connection with any act or omission hereunder; and does hereby expressly agree to indemnify and save harmless the Town of Harpersfield, and or the Town Highway Superintendent and his representatives and employees

from claims, suits, actions, damages and costs of every name and description, arising out of or resulting from any act or omission hereunder.

- S. Unless expressly waived by the Town Highway Superintendent, the permittee shall furnish with this application, a certificate of protective liability insurance which would cover the contractor and the Town of Harpersfield as an additional insured. This policy would cover the liability of the Town of Harpersfield and the Town Highway Superintendent and all employees of Town of Harpersfield Highway Department, with respect to all operations under this permit by the permittee or by anyone acting by, through or for the permittee, including omissions and supervisory acts of the Town. The limits of liability in such policy shall be not less than \$1,000,000.00 per accident or occurrence covering bodily injury (including death), and property damage during the policy period; such policy shall state that it will not be changed or cancelled until ten days' written notice has been given to said Town Highway Superintendent and acknowledged.
- T. The enumeration in this permit of the kind and amount of insurance shall not abridge, diminish or affect the permittee's legal responsibilities for the consequences of accidents arising out of or resulting from the operations of the permittee under this permit.
- U. The above named permittee hereby certifies that Workman's Compensation has been secured for the benefit of, and will keep insured during the performance of the above described work, such employees as are required to be insured, by the provisions of Chapter 41 of the Laws of 1941 of New York and acts amendatory thereof.
- V. Cash or a certified check in the sum listed on the Driveway / Access Road permit application must be deposited with the Town Clerk before or at the time of issuance of this permit by the Town Highway Superintendent. This shall be deemed to include a fee for the permit with the remaining balance to be used as security that the highway or any part thereof will be restored to its original condition where disturbed, at the expense of the permittee, as soon as the work has been completed, and the Town Highway Superintendent is hereby authorized to expend all or as much of such deposit as may be necessary for that purpose, should the said permittee neglect or refuse to perform the work.

Upon satisfactory restoration by the permittee any remaining balance shall be returned.

- W. When applicable, the permittee agrees to pay all necessary expenses incident to supervision and inspection by reason of the granting of such permit, such payment to be made within ten days from the rendering of the certified account.
- X. Access Road design shall be in accordance with figure 05-01 attached hereto and made a part of this application.
- Y. Access grades shall be constructed to slope downward from the edge of the road pavement for ten (10) feet minimum at the rate of 3/4" per foot (-6.25%).
- Z. All access grades within twenty (20) feet from the edge of the pavement shall not exceed 6.25% up or down (plus or minus grades). Any grade within one hundred (100) feet beyond this twenty (20) foot point shall not exceed 12%.
- AA. The angle of all access roads with Town Roads shall be as close to 90 degrees as practicable of a distance of twenty (20) feet from the edge of road pavement.
- AB. The length of culvert pipe shall be thirty (30) feet minimum not exceeding forty (40) feet maximum.
- AC. Drainage of highway ditches shall not be impeded. All access culvert pipes must be installed with a minimum slope of .5% and have mitered ends or metal end sections.
- AD. In subdivisions, driveways should enter the internal road of the subdivision having access to the Town road.
- AE. Access shall have a minimum depth of twelve (12) inches of acceptable compacted gravel, the top six (6) inches being able to pass through a two (2) inch screen, from the edge of road pavement to the three (3) rod right of way line, being 24.75 feet from the Town road centerline.

Section 5. Penalties For Offense:

- A. Any person who violates or causes or participates in any violation of the provisions of this Local Law or any rules, conditions or regulations imposed or promulgated under the authority of this Local Law shall be deemed to have committed an offense.

- B. Every violation of the provisions of this Local Law or any condition, rule or regulation imposed or promulgated under the authority of this Local Law shall be considered a separate and distinct offense, and, in the case of a continuing violation, every day's continuance thereof after any required notice is given shall be deemed a separate and distinct offense.
- C. A conviction of any such violation shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00) for each violation or imprisonment for a term not to exceed fifteen (15) days, or both.

Section 6. Appeals:

- A. The Highway Committee will handle all appeals to this Local Law.
- B. Appeals to this regulation must be notarized and submitted in writing to the Town Board stating the reason(s) why the proposed drive cannot meet Town specifications. The Town Board shall then refer the request to the Town Highway Committee for consideration of a waiver to the specific condition(s) that cannot be met. The Town Highway Committee will have sixty two (62) days to consider each application and determine whether or not a waiver will jeopardize the intent of this Local Law, then grant or deny the request.

Section 7. Effective date:

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

Filed with the Department of State on October 21, 2005.