

Local Law Filing

(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.

County City Town Village
(Select one.)

of _____

FILED
STATE RECORDS
DEC 12 2016

DEPARTMENT OF STATE

Local Law No. 1 of the year 2016

A local law to establish road preservation for the Village of Fair Haven, New York
(Insert Title)

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

County City Town Village
(Select one.)

of Fair Haven as follows:

See Schedule A

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

(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 2016 of the (County)(City)(Town)(Village) of Fair Haven was duly passed by the Board of Trustees on November 14 2016, 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____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.

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.)

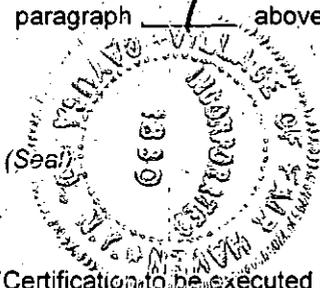
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, 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.

Luigi M. DiIorio
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 30, 2016



(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 Cayuga

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]
Signature Village Attorney

Village of Fair Haven

Date: November 29, 2016

Schedule A

ROAD PRESERVATION LOCAL LAW VILLAGE OF FAIR HAVEN November 14, 2016

A local law to establish road preservation for the Village of Fair Haven, New York.

Be it enacted by the Board of Trustees of the Village of Fair Haven as follows:

Section I – Purpose

Section II – Applicability

Section III – Definitions

Section IV – General Provisions

Section V – Seismic Testing Special Conditions

Section VI – Other Special Conditions

Section VII – Fees

Section VIII – Appeals

Section IX – Request for Variance

Section X – Invalid Segment

Section XI – Effective Date

Attachment A – Road Preservation Local Law Worksheet

Attachment B – Fee Schedule

SECTION I: PURPOSE

The purpose of this Local Law is to maintain the safety and general welfare of Village residents by regulating commercial activities that have the potential to adversely affect road right-of-ways. Well maintained roads are important to the economic well-being of the Village. Commercial endeavors, such as timber harvesting and mining, are also economically beneficial. This law is not intended to regulate such businesses: the intent is to protect the public right-of-ways from damage. The Village Board of the Village of Fair Haven hereby enacts the following Road Preservation Local Law pursuant to the provisions of the of the Municipal Home Rule Law.

SECTION II: APPLICABILITY

The Fair Haven Village Board delegates to the DPW Superintendent the oversight of assuring commercial activities do not have an adverse impact on public right-of-ways.

SECTION III: DEFINITIONS

1. High Frequency, High Impact Truck Traffic: Traffic to and from a single project site that generates more than eight truck trips per day for more than four consecutive days, for more than four consecutive days, involving trucks that exceed 20 tons (truck and load combined) that could impact Village road right-of-ways. Any seismic testing by vibrasise trucks (aka “thumper trucks”) is considered high frequency, high impact truck traffic.

2. **Bond:** A commercial bond to ensure that the condition of the Village roads impacted by high frequency, high impact truck traffic is left in as good or better condition at the completion of the project as they were at the start of the project.
3. **Road Preservation Local Law Worksheet (Appendix A):** Worksheet is to be completed by hauling contractor or project sponsor, summarizing the project, project location, start and completion dates, expected max gross vehicle weights used for the project, proposed truck routes, and any other items that the DPW Superintendent deems necessary.
4. **Preliminary Bond Release:** A bond release given by the DPW Superintendent based on satisfactory road conditions at project completion.
5. **Final Bond Release:** Final release of the Bond by the Fair Haven Village Board.

SECTION IV: GENERAL PROVISIONS

1. Prior to the start of any project that involves high frequency, high impact truck traffic that could have an impact on the Village right-of-ways, a permit must be obtained. A bond amount shall be determined by the Village Board and will be listed on the fee schedule on file with the Village Clerk. The amount of the bond may be changed by the Village Board by Resolution. A completed Road Preservation Local Law (RPLL) Worksheet (Attachment A), available from the Village Clerk or DPW Superintendent, must be submitted to the DPW Superintendent.
2. The DPW Superintendent will decide if the scope of work is such that a Bond is required. If no Bond is needed, the RPLL worksheet is approved by the DPW Superintendent and becomes a Work Permit.
3. If the DPW Superintendent determines that a Bond is required, the bond must be paid to the Village of Fair Haven and remitted to the Village Clerk. The Worksheet will then be approved by the DPW Superintendent and becomes the Work Permit.
4. Upon issuance of the Work Permit and prior to commencement of the work, the hauling contractor or project sponsor will arrange for video documentation of condition of the roads, shoulders, and all structures (culverts, bridges, etc.) that will be traversed by the permitted traffic. The video documentation will be conducted by an independent third party and will be submitted to the DPW Superintendent prior to commencement of the work. Video documentation will also occur monthly and within two weeks of the conclusion of the permitted work. All video documentation will be submitted to the DPW Superintendent within one week of recording. Failure to submit the required video documentation will result in immediate revocation of the Work Permit.
5. Upon completion of the project, the hauling contractor or project sponsor will apply to the DPW Superintendent for a Preliminary Bond Release. Upon inspection of the work site, as necessary, the DPW Superintendent may approve the release of the Bond. If the release is not approved, the Superintendent will specifically document the tasks that must be accomplished in order for the Bond to be released. In this case, the hauling contractor or project sponsor will remedy the specified problem(s) items and then reapply for a Bond Release. Final Bond Release must be approved by the Village Board for repayment of the Bond funds.

6. If they hauling contractor or project sponsor does not comply and operates outside the parameters as specified on the worksheet, any law enforcement officer or Code Enforcement Officer has the authority to shut down the project.

7. The hauling contractor or project sponsor will be responsible for the repair of any damages that occur to the Village of Fair Haven road right-of-ways, *when a project proceeds without a proper permit.*

SECTION V: SEISMIC TESTING SPECIAL CONDITIONS

The hauling contractor or project sponsor shall supply proof of insurance co-naming the Village of Fair Haven with a minimum of \$3 million liability insurance coverage. The Village shall be notified 30 days prior by the insurance company of termination of such coverage.

SECTION VI: OTHER SPECIAL CONDITIONS

1. In no event shall vehicles or equipment be parked or located outside the roadway boundaries nor block access by neighboring landowners.

2. Traffic will be maintained in accordance with the Uniform Traffic Control Manual.

3. The hauling contractor or project sponsor shall be responsible for any and all repairs of damages caused by their operation to any Village property including right-of-ways.

4. This law applies to the entire duration of any project that induces high frequency high impact traffic, as defined above, for any single five day interval of the project duration.

5. If any of these conditions are not met, the permit is automatically voided and all work shall cease.

SECTION VII: FEE

A non-refundable processing fee as depicted in the Village of Fair Haven Fee Schedule, payable to the Village of Fair Haven, must accompany each Worksheet submitted to the DPW Superintendent.

SECTION VIII: APPEALS

Contractor has the right to appeal to Village Board.

SECTION IX: REQUEST FOR VARIANCE

Request for a variance from the standards set forth in this Local Law shall be made to the Fair Haven Village Board in writing and shall contain the grounds on which the appellant relies for requesting the variance, including allegation on any facts on which the appellant will rely. Where the Fair Haven Village Board finds that due to special circumstances of the particular case a waiver of certain requirements as stated in Section IV is justified, then a variance may be granted. No variance shall be granted, however, unless the Village Board finds and records in its minutes that: (a) granting the variance would be keeping the intent and spirit of this Local Law and is in the best interest of the community, (b) there are special circumstances involved in the particular case; (c) denying the variance would result in undue hardship to

the applicant, provided that such hardship has not been self-imposed; (d) the variance is the minimum necessary to accomplish the purpose.

SECTION X: INVALID SEGMENT

Should any section or provisions of this Local Law contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a Whole or any part thereof-other than the part declared to be invalid.

SECTION XI: EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

ATTACHMENT A
ROAD PRESERVATION LAW WORKSHEET

1. Hauler/Project Sponsor: _____
Address: _____
Phone: _____
2. Work Description (construction, logging, gravel mining, natural gas drilling, etc.): _____
Work Location: _____
Proposed Truck Routes (include miles to be traveled on each road)

3. Land Owner: _____
Address: _____
Phone: _____
4. Start Date: _____
Completion Date: _____
Expect Maximum Gross Vehicle Weight: _____
Maximum Truck Trips per Day: _____
5. Bond Amount: _____
Approval Date: _____
Date Paid: _____
_____ DPW Superintendent
6. Preliminary Bond Release Application Date: _____
7. Specific Repairs: _____

8. Final Bond Release Application Date: _____
9. Final Bond Release: _____ Date: _____

DPW Supervisor

**Attachment A
Fee Schedule**

Road Type	Dirt and/or Gravel	Chip Seal (gravel with tar)	Asphalt with Base >4"	Asphalt with Base <4"
Bond per mile	\$3,500	\$15,000	\$54,570	\$94,200
Multiply by Number of miles				
Multiply by Number of vehicles on the peak travel day on the project				
ROAD TOTALS:				
Structures (bridges and/or culverts by diameter)	60" up to 19' 11"	60" up to 19' 11"	20" and greater*	20" and greater*
Bond per structure	\$500,000	\$500,000	\$1,500,000	\$1,500,000
Multiply by number of structures				
STRUCTURE TOTALS:				
BOND TOTAL:				

*Multiple spans will require a bond for each span of \$1,500,000

Example Route:
 Village of Fair Haven:
 Main St. (1.1 miles) to
 Victory St. (1.2 miles)

Road Type	Dirt and/or Gravel	Chip Seal (gravel with tar)	Asphalt with Base >4"	Asphalt with Base <4"
Bond per mile	\$3,500	\$15,000	\$54,570	\$94,200
Multiply by Number of miles	1.2	0	1.1	0
Multiply by Number of vehicles on the peak travel day on the project	25	0	25	
ROAD TOTALS:	\$105,000	\$0	\$1,500,675	\$0
Structures (bridges and/or culverts by diameter)	60" up to 19' 11"	60" up to 19' 11"	20" and greater*	20" and greater*
Bond per structure	\$500,000	\$500,000	\$1,500,000	\$1,500,000
Multiply by number of structures	1		0	
STRUCTURE TOTALS:	\$500,000		\$0	
BOND TOTAL:				\$2,105,675