

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 11 1998
Alvan F. Curran
Secretary of State

County
City of Champion
Town
Village

Local Law No. 2 of the year 1998

A local law Amending Local Law No. 1 of the Year 1998 by
(Insert Title)
adding to the Highway Standards, Standards for Driveway
Access.

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

County
City of Champion as follows:
Town
Village

3.8 Driveway Access:

Any person, institution, or corporation desiring access to a town highway shall obtain a permit for an exit/entrance from the Superintendent of Highways.

Access to the public right-of-way shall be located so as to pose no undue interference with the free and safe movement of the highway or pedestrian traffic. They will be located so as to provide the most favorable vision, grade, and alignment conditions. In the interest of public safety and convenience, the superintendent may restrict the placement of a driveway to a particular location along the owner's frontage or require shifting of an existing driveway.

Driveways in rural areas will be 16' wide at the edge of the right-of-way and have a 21' radius measured from the edge of the shoulder. The centerline of the drive should be as near right angles as practical, being no more than 15 degrees from the perpendicular. The width of residential drives should be less than this, but should not be narrower than 10'.

(cont'd)

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

Frequent openings in built-up areas will probably restrict the use of the radius-type drive. Alternately, a wedge-shape approach may be used, the full width of the wedge at the shoulder edge being the width of drive plus 9' and extending 9' up the driveway.

Normally only one drive will be permitted for each residential property and no more than 2 for a commercial property, unless sufficient road frontage exists. Residential drives to the same property shall be a minimum 30' apart. Commercial drives to the same property shall be no less than 100' apart. Access to adjacent properties shall be located so as to not interfere with normal traffic movements.

In rural areas the recommended maximum grade for commercial drive access is 10% and for residential drives 12%. In urban areas the recommended maximum grades are 6 and 8%, respectively.

In no instance is the grade of the shoulder of the road to be altered in order to enhance the grade of the driveway. Any change of grade in the drive shall be rounded by use of a smooth vertical curve. If possible, the low point of the driveway shall be at or close to the ditch line of the highway. Should the drive cross a sidewalk, the walk may be graded to conform to the profile of the drive, but in no instance shall the resulting cross slope of the walk exceed one-half inch per foot.

Should curb cuts be necessary for driveways or crosswalks, the curb shall be removed for its full depth and replaced to proper grade. Curb ends shall be tapered from full height to ground level over a distance of two feet. Upgrades shall be utilized to prevent roadway drainage from being spilled onto private property.

The driveway must be located and constructed so that it does not adversely affect the highway drainage. The driveway shall not cause water to pond in the ditch nor flow across the pavement or shoulders.

Drainages collected by ditches, gutters, or pipes on private property shall not be discharged into the highway drainage system unless expressly approved by the Superintendent.

Should the drive cross a highway ditch, a sufficiently sized culvert pipe (minimum 12" inside diameter) shall be installed in the ditch by the permittee. Under no circumstances will existing ditches or gutters be filled without adequate provisions for alternate drainage.

The structural material and gauge of the pipe and height of cover of the backfill material shall be adequate to withstand the loads from the anticipated vehicular traffic across the drive. The length of the pipe shall be equal to the sum of the width of the drive at the ditch line and the length needed to accommodate a sideslope of one vertical to two horizontal from the drive to the ditch, including the end section.

3.9 Driveway Permits:

Any person, institution, or corporation desiring access to a town or county highway shall obtain a permit for an exit/entrance from the Superintendent of Highways. Such access shall be located, constructed, and maintained in compliance with Section 3.8 Driveway Access and any stipulations or restrictions enumerated by the Superintendent on the permit.

(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. _____² of 19⁹⁸ of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the Town Board on April 6 19⁹⁸, 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 19____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 19_____ 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 _____ 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 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.

Christina M. Vargulick

Clerk of the County legislative body, ~~City, Town or Village~~ of Champion or officer designated by local legislative body
Christina M. Vargulick

(Seal)

Date: April 6, 1998

(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 Jefferson

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.

Timothy A. Farley
Signature _____
Timothy A. Farley, Attorney for the
Title _____

County
City of Champion
Town _____
Village _____

Date: 4/6/98