

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.

Town of West Turin

Local Law No. 2 of the year 2020

FILED
STATE RECORDS

DEC 11 2020

A local law regulating the Installation of Driveways in the Town of West Turin

DEPARTMENT OF STATE

Be it enacted by the Town Board of the Town of West Turin as follows

Article 1. - Statement of Authority. The Town Board of the Town of West Turin, pursuant to the authority granted it under Article 16 of the Town Law and Section 10 and 20 of the Municipal Home Rule Law hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of West Turin hereby finds that the improper construction of private driveways intersecting Town highways may be hazardous to the public and poses unnecessary expense to the Town and that installation of driveways according to specific standards as monitored by the Town of West Turin Highway Superintendent will be in the best interests of the health, safety and welfare of the citizens and property of the Town

Article 3. The Town of West Turin hereby enacts a local law regulating the installation of Driveways as follows:

Driveway Installation

1. No person, owner and/or contractor shall hereafter install a driveway opening onto a Town road without first obtaining a driveway installation permit from the Town of West Turin Highway Superintendent.
 - A. An application in writing shall be filed with the Town of West Turin Highway Superintendent upon application forms which he shall prescribe; which application shall state the nature, location, extent and purpose of the proposed driveway opening, and the use of the property as identified on any concurrent zoning application.
 - B. All applications shall include maps and plans which shall indicate the location and boundaries of the subject property for which a permit is requested and shall show the location, elevation, size and type of all existing and proposed driveways and buildings, underground utilities, service facilities, parking layouts and drainage facilities. The installation of the driveway shall be completed by the Town Highway Department and the cost of such installation shall be the responsibility of the Property Owner.

- C. It shall be the responsibility of the applicant to arrange a meeting with the Town Highway Superintendent at the site of the driveway opening.

2. Zoning Permit

- A. A driveway installation permit under this law shall be applied for concurrently with the application for a zoning permit to commence the excavation for or the construction or erection of any structure regulated by the Town of West Turin Zoning Law, as amended. The application for a driveway permit shall be supplied by the Town Highway Superintendent. Upon receipt of the Permit application, the Highway Superintendent shall submit a copy to the Code Enforcement Officer and provide a copy to the property owner.
- B. No driveway installation permit shall be issued for any use on a minimum maintenance road as established in Local Law No. 1 of 1997, as amended, unless it is classified as a seasonal use pursuant to the Town of West Turin Zoning Law.

3. Fees

The application shall be accompanied by such fee or fees as the Town board shall prescribe from time to time by resolution not exceeding the approximate reasonable cost of processing and reviewing the application and making any necessary inspections.

4. Violations and Penalties

- A. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the enforcement officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the enforcement officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the enforcement officer shall take action to compel compliance.
- B. Pursuant to Criminal Procedure Law Section 150.20 (3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the Town justice.
- C. Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed fifteen (15) days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed fifteen (15) days, or both; and, upon conviction for a third or subsequent offense

all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed fifteen (15) days, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- D. The Town board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law

Article 4. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with 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. 2 of 2020 of the Town of West Turin was duly passed by the Town Board on November 17, 2020, in accordance with the applicable provisions of law.

~~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)~~

~~(Name of Legislative Body)~~

~~(repassed after disapproval) by the _____ and was deemed duly adopted~~

~~(Elective Chief Executive Officer*)~~

~~on _____ 20____, 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 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____

(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

of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____. Such local

(Elective Chief Executive Officer)

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.

~~Charter 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.)

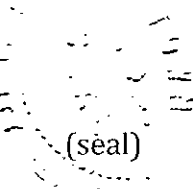
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 Town of said county considered as a unit 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 1 above.

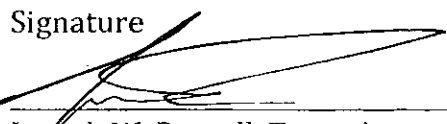
 (seal)
Patricia D. Sullivan

Patricia Sullivan, Town Clerk, Town
of West Turin

Date: November 17, 2020

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

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


Joseph W. Russell, Town Attorney
Town of West Turin

Date: November 17, 2020