

Local Law 1-2021

A LOCAL LAW GOVERNING THE PLACEMENT AND LOCATION OF DRIVEWAYS AND OTHER ACCESS ROADS THAT ENTER UPON OR TO HIGHWAYS OWNED OR MAINTAINED BY THE TOWN OF NEW LISBON

Section 1 - Legislative Authority

This local law is enacted pursuant to Section 10 of the New York State Municipal Home Rule Law, including but not limited to Sections 1(ii)a, 1(ii)d, and 4 thereof and is intended to supersede provisions of New York State laws to the extent inconsistent with this local law except to any extent to which the legislature expressly shall have prohibited the adoption of such local law.

Section 2 - Purpose

The purpose of this Local Law is to control and govern the placement and location and/or improvement of private driveways or access roads which enter upon or to highways owned and/or maintained by the Town of New Lisbon so as to make certain that there is adequate "sight distance", "turning radius" and "general visibility" of and from said driveways and access roads as well as of and from town owned and/or maintained highways, so as to provide users of said driveways, access roads and town owned and/or maintained highways with safe, consistent and uniform driving conditions.

For purposes of this Local Law, the term, "improvement", means widening, resurfacing, or installation or replacement of a culvert and the term, "improve", shall mean the act of making an improvement as defined herein.

Section 3 - Limitation on issuance of permits

No permit or other authorization or approval shall be granted by any board or entity in the Town of New Lisbon whether relative to subdivisions, building construction placement, or for any other purpose which requires the installation or improvement of a driveway or access road which enters upon or to highways owned and/or maintained by the Town of New Lisbon unless the placement and location and/or improvement of said

driveway and/or access road is first reviewed and approved in writing by the Town Superintendent of Highways.

Section 4 - No construction without prior approval

No driveways and/or access roads shall be constructed or improved which enter upon or to any highway owned and/or maintained by the Town of New Lisbon unless the placement and location and/or improvement of said driveway and/or access road (1) is first reviewed and approved in writing by the Town Superintendent of Highways and (2) constructed or improved in accordance with the terms and conditions of said approval and the driveway/access road standards described hereinbelow.

Section 6 - Driveway/access road standards

The Town of New Lisbon Highway Superintendent when deciding whether or not to approve the placement and location of a driveway or access road upon or to a highway owned and/or maintained by the Town, shall use and employ the same standards that are set forth in the New York State Department of Transportation Policy and Standards for the Design of Entrances to State Highways, at the time the approval is requested.

Section 7 - Enforcement and Penalties

The Town of New Lisbon Highway Superintendent may issue a written order ordering the removal or remediation of any driveway and/or access road constructed or improved in violation of Section 4 of this law.

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 local law, or any order issued pursuant to this law, shall, upon conviction, be deemed guilty of an infraction, which shall be punishable by a civil penalty of not more than \$1,000.00 to be recovered by the Town in a civil action. The Town of New Lisbon Highway Superintendent and the Town of New Lisbon Land Use Enforcement Officer are both authorized to issue an appearance ticket to any person charged thereby with an infraction of this local law.

Each failure to comply with an order issued pursuant to this law within thirty (30) days of issuance will be deemed a separate violation of this law.

In addition to the penalty provided above, the Land Use Enforcement Officer, or Town Board, may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Law.

In the event any permit is denied, or the Highway Superintendent fails to take action within 30 days of receipt of an application there for, and the applicant believes that the denial or failure to act was unjust, the applicant can appeal, to the Town Board for the issuance of the permit.

Section 8 - Severability

If any clause, sentence, paragraph, section or article of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9 - Repeal

Local Law 4-2008 is hereby repealed in its entirety and wholly replaced by this local law as of the effective date hereof.

Section 10 - Effective Date

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