

A Local Law of the Town of Sanford Regulating Driveway Design Standards

Be it enacted by the Town Board of the Town of Sanford as follows:

SECTION 1. Title.

This local law shall be known and cited as the "Town of Sanford Driveway Design Standards Local Law".

SECTION 2. Definitions.

CODE ENFORCEMENT OFFICER: The Code Enforcement Officer of the Town of Sanford, Broome County, New York

HIGHWAY SUPERINTENDENT: The Highway Superintendent of the Town of Sanford, Broome County, New York

TOWN: The Town of Sanford, Broome County, New York

TOWN BOARD: The Town Board of the Town of Sanford, Broome County, New York

TOWN ENGINEER: The individual or engineering firm retained by the Town to provide engineering consulting services for the Town.

SECTION 3. Applicability.

The requirements of this Local Law shall apply to all new driveways proposed to open onto any Town road located within the Town. This Local Law shall not apply to driveways proposed to open onto State highways, which require approval from the State Department of Transportation (DOT), nor shall this Local Law apply to driveways proposed to open onto County Highways, which require approval from the Broome County Department of Public Works (DPW).

SECTION 4. Design Standards.

1. Access:

- a. The angle of all driveways opening onto Town roads shall be between eighty (80) and ninety (90) degrees for a distance of twenty (20) feet from the edge of the Town road's driving surface.
- b. The return radius between the edge of the driveway and the edge of the existing Town road's driving surface shall be a minimum of fifteen (15) feet on each side of the driveway.
- c. Driveways shall have an adequate sight distance in each direction meeting the requirements of Part 125 of Chapter IV of Title 17 of the Compilation of Codes, Rules and Regulations of the State of New York (17 NYCRR Part 125), as may be amended from time-to-time, measured twenty (20) feet back from the edge of the Town road's driving surface at a forty-two (42) -inch eye height.
- d. No obstructions to vision such as shrubbery, brush, trees, earth, fencing or other structures shall be permitted at the road intersections within the-

triangle-formed-by the intersection of the road center lines and a line drawn between points along such lines thirty (30) feet distance from their point of intersection and ten (10) feet back from the edge of the driving surface of the road. This restriction does not apply to U.S. Postal Service mailboxes.

2. Finished Grade

- a. All-access grades within twenty (20) feet of the Town road's driving surface shall be no more than three (3) percent. Any grade beyond this twenty (20)-foot point shall not exceed twenty (20) per cent.
- b. Access grades shall be constructed to slope downward from the edge of the Town road's driving surface to the existing drainage ditch line at a rate of three-quarters (3/4) inch per foot.
- c. Driveway design shall incorporate proper drainage techniques for the purpose of collecting surface water runoff into culverts and to divert such runoff away from Town roads and adjoining properties. The drainage techniques employed shall be at the discretion of the Highway Superintendent in consultation with the Town Engineer and shall include, without limitation, ditching, crowning of driveway, piping, and French drains.

SECTION 5. Culvert Pipes.

1. Culvert pipe(s) shall be supplied by the Town Highway Department. The length and diameter of such pipe(s) shall be determined by the Highway Superintendent, in consultation with the Town Engineer. During the application process, a fee shall be collected to cover the cost of the pipe(s). Fees to cover the cost of all necessary culvert piping shall be noted in a Driveway Building Permit Fee Schedule established by resolution of the Town Board, which may be amended from time to time. The Town Highway Department shall be responsible for the proper installation of all culvert pipe(s) within the Town's right of way except for stream crossings.

SECTION 6. Maintenance.

1. Driveways must be kept in good condition, which, at minimum, allows for emergency vehicles to safely travel the length of the driveway.
2. Privately owned drainage ditches/culverts must be maintained in a manner that prevents surface water runoff from entering onto a Town Road. The Town will hold individual property owner(s) financially responsible for any damage to Town roads relating to runoff caused by the negligent maintenance of any privately owned drainage ditch/culvert.

SECTION 7. Application for Driveway Building Permits.

1. Application for Driveway Building Permit shall be filed with the Town Code Enforcement Officer. Per the Driveway Building Permit Fee Schedule (see Section 5 above), a Driveway Building Permit Application inspection fee shall be required.
2. Prior to construction, the applicant shall arrange a meeting with the Highway Superintendent to review the location of the proposed driveway. All work that needs to be done to satisfy driveway design standards set forth in this Local Law will be identified by the Highway Superintendent and/or the Town Engineer at or subsequent to said meeting. Once the driveway design standards are met and deemed satisfactory by the Highway Superintendent, the Town Highway Department shall install any necessary culvert pipe(s) as well as the portion of the driveway located within the Town's highway right of way (not including pavement). Construction of the driveway outside of the Town's highway right of way is the responsibility of the applicant.
3. A Driveway Building Permit Application for on-site construction shall be issued by the Code Enforcement Officer upon completion of an initial driveway inspection and approval of the final driveway design plans by the Highway Superintendent.
4. No Building Permit shall be issued by the Code Enforcement Officer until the driveway is completed, inspected, and final approval is granted by the Highway Superintendent.

SECTION 8. Construction Specifications; Liability for Damage to Town Right of Way.

1. The person or entity to whom a driveway permit is issued shall be responsible for any and all damage caused to Town roads, public utilities in the road, sewer and/or water pipe(s), drainage ditches/culverts, curbs and sidewalks, if any. Before the Building Permit can be issued, any and all such damage shall be repaired to the satisfaction of the Highway Superintendent.
2. No driveway construction vehicles, equipment, material or debris shall obstruct travel on any Town Road at any time.
3. Excavation in any Town road or highway right of way incident driveway construction is prohibited unless an additional Highway Excavation Permit is first obtained by the property owner. In the event that a Highway Excavation Permit is issued, the rules and regulations governing excavation within the Town's highway right of way, as set forth in Local Law No. 2 of the Year 2008, as may be amended from time to time, shall apply to any driveway-related excavation.

SECTION 9. Indemnity and Save Harmless.

All Driveway Building Permit holders shall agree to fully indemnify and hold harmless the Town and its officers, agents and employees from and against any and all claims, costs, disbursements, expenses (including reasonable attorney's fees), risks, losses, lawsuits, judgments, executions, penalties, fines, assessments or any other liability of any type arising out of, occurring in connection with, or resulting from any and all activity to be performed by permittee pursuant to a Driveway Building Permit .

SECTION 10. Severability.

Should any section, paragraph, sentence, clause or phrase of this Local Law be declared unconstitutional or unjust for any reason by a Court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

SECTION 11. Inconsistency.

All Resolutions or Ordinances or Local Laws or portions thereof of the Town of Sanford not consistent with this Local Law in whole or in part shall be repealed.

SECTION 12. Penalties for Violations.

1. A violation of this local law is an offense, punishable by a fine not exceeding two hundred fifty dollars per offense. Each day the violation continues shall be considered a separate offense.
2. In the event of a violation of this Local Law, the Highway Superintendent may in his/her discretion revoke any Driveway Building Permit previously issued after a hearing on reasonable notice, at which the permittee shall have an opportunity to be heard by the Highway Superintendent or his/her designee.
3. In addition to the foregoing penalties and enforcement options, the Town may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this Local Law by injunction, abatement or otherwise compel cessation of each violation, and obtain restitution to the Town for costs incurred by the Town in remedying each violation, including but not limited to reasonable attorney's fees.

SECTION 13. Effective Date.

This local law shall take effective immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.