

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

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 ROYALTON
LOCAL LAW NO. 4 OF THE YEAR, 2014

A Local Law Entitled "Private Driveway and Culvert Installation Law of the Town of Royalton"

Be it Enacted by the Town Board of the Town of Royalton as Follows:

Section 1. Purposes. The Town Board of the Town of Royalton finds that the improper construction of private driveways across the Town's right-of-way may be hazardous to the public; poses unnecessary expense to the Town and that installation of driveways and driveway culverts according to specific standards as monitored by the Highway Department will be in the best interests of the health, safety and welfare of the citizens and property of the Town.

Section 2. Title. This local law shall be entitled the "Private Driveway and Culvert Installation Law of the Town of Royalton".

Section 3. Territorial Application. This local law shall apply to all that portion of the Town of Royalton outside the Village of Middleport.

Section 4. Location Restrictions: New Driveways. No driveway center line shall intersect a Town highway less than fifty (50) feet from the intersection of any two highway right-of-way lines. All new driveways shall be located at the discretion of the Highway Superintendent, and shall be constructed or renovated only after the issuance of a permit by the Highway Superintendent of the Town authorizing such construction or renovation.

Section 5. Permit Required for all Driveway Work in Town Right of Way. Any and all paving, repaving or installation of blacktop, on that portion of any

driveway located within the Town's right-of-way, requires a permit from the Highway Department. Failure to obtain a permit before any work is performed shall subject the property owner, tenant, and/or contractor to the penalties set forth in this Local Law. After paving or repaving the driveway approach grade shall be of the same grade as the highway shoulder so as not to allow drainage off the driveway onto the highway. All paving and repaving must be done according to Town's specification. It shall be the property owner's responsibility to maintain said work; the Town shall not be responsible for any damage occasioned by plowing, snow removal, utility construction, or other Town activities associated with right-of-way work.

Section 6. Concrete Prohibited. No concrete structures, such as headwalls, curbs, driveway markers, or driveway aprons, may be placed in the Town's right-of-way.

Section 7. Driveway Culverts. As part of the installation of a driveway across the Town's right-of-way, the Town may install culverts. Installation shall be under the following terms and conditions:

- A. Culvert pipe must be paid for by the property owner before installation by the Town.
- B. New corrugated metal pipe or high density polyethylene (smooth interior) plastic are the only types of culvert pipe material allowed.
- C. All culvert pipe shall be a minimum of 30 feet in length and the circumference sized by the Town Superintendent of Highways.
- D. Corrugated metal pipes are to be spliced and bolted with approved corrugated metal pipe collars.
- E. Pipe is to be placed in the center line of the ditch and installed so as to have proper grade for flow through the pipe.

Section 8. Penalties.

- A. Any violation of this Local Law by the property owner, tenant, or contractor shall be punishable by a fine not to exceed \$1000.00, or by imprisonment not to exceed fifteen (15) days, or by both such fine and imprisonment, for each convicted defendant.

- B. In addition, any violation of this Local Law or any permit issued in accordance with the above regulations shall result in the immediate revocation of such permit and the removal of the structure or encroachment from the right-of-way by the Town. The cost of the removal shall be borne by the property owner, tenant and contractor, jointly and severally. The Town shall have the option of bringing an action to collect said costs or to assess the unpaid costs against the property in the form of a tax.
- C. The Code Enforcement Officer of the Town of Royalton shall have responsibility for initiating prosecutions in the Town of Royalton Justice Court.

Section 9. Severability. Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

This Local Law shall replace Local Law No. 2, 1991 of the Town of Royalton, Niagara County, New York.

(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. 4 of 2014 of the Town of Royalton, was duly passed by the Town Board on December 8, 2014, 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 200__ was duly passed by the _____ on _____ 200__, and was approved/not approved/repassed after disapproval by the (Elective Chief

Executive Officer*) and was deemed duly adopted on _____ 200____, 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 200_ of the Town of _____ was duly passed by the _____ on _____, 200_, and was approved/not disapproved/repassed after disapproval by the (Elective Chief Executive Officer*) on _____, 200_. 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 _____, 200_, 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 200__ of the County/City/Town/Village of _____ was duly passed by the _____ on _____ 200_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer*) on _____ 200_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 200_, in accordance with the applicable provisions of law.

*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 200__ 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 _____ 200__, became operative.

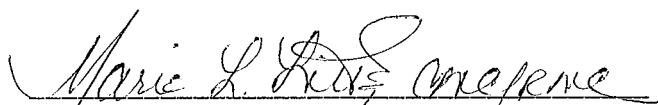
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated at Local Law No. _____ of 200__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ____, 200 __, 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 of a majority of the qualified electors of the cities of said county as a unit and of 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

(Seal)



Clerk of the County legislative body, City,
Town or Village Clerk or officer designated
by local legislative body

Marie L. Little, Town Clerk RMC/CMC,
Town of Royalton
Date: December 8, 2014