New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Montague

FILED
STATE RECORDS
APR 13 2016
DEPARTMENT OF STATE

Local Law No. 1 **of the year 20**16

A local law regarding the construction of driveways.
(Insert Title)

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Montague **as follows:**

1. Statement of Authority. The Town Board of the Town of Montague pursuant to the authority granted under Article 4 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York hereby adopts as follows:

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

Section 1. Title

This law shall be entitled the "Driveway Installation Law of the Town of Montague."

Section 2. Permit required

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 Montague Highway Superintendent.

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

(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. 1 of 20 16 of the ~~(County)(City)~~(Town)~~(Village)~~ of Montague was duly passed by the Town Board on March 8, 20 16, 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 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 (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____. 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.

* 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.

Section 3. Application procedures

A. An application in writing shall be filed with the Town of Montague 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 coincident 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.
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.

Section 4. Requirements and Responsibilities

A. Any driveway culvert required by the town highway superintendent that is within the town right-of-way shall be designed, installed and maintained by the Town of Montague.
B. The applicant shall be responsible for the cost of any required culvert, and the cost of any agreed upon stone above one load, as well as the cost of trucking and loading for stone above one load. Such cost shall be as determined by town board resolution.
C. The entire cost of any additional driveway culverts above one culvert per property shall be the responsibility of the applicant.
D. The town shall not perform any work on designing, installing or maintaining any required culvert until all costs have been paid by the applicant.

Section 5. Zoning Permit

A. A driveway installation permit under this law shall be applied for coincidentally 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 Montague Zoning Law, as amended.
B. No driveway installation permit shall be issued for any use on a minimum maintenance road as established in Local Law No. 1 of 2002, as amended, unless it is classified as a seasonal use pursuant to the Town of Montague Zoning Law.

Section 6. 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.

Section 8. Violations and Penalties

Any person, firm or corporation who or which shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a minimum fine of $150.00, but not more than $350.00.

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.

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 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 1 above.

Barbara A. Loomis

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

(Seal)

Date: 4/5/16