

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 Florence

FILED
STATE RECORDS

APR 10 2018

DEPARTMENT OF STATE

Local Law No. 1 of the year 2018

A local law to enact regulations promoting the best health, safety, and general welfare of the citizens

(Insert Title):

and property of the Town of Florence through the efficient regulation of driveways and to

provide minimum standards for their placement, installation, and use.

Be it enacted by the Town Board of the

(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Florence

as follows:

Article 1. Statement of Authority. The Town Board of the Town of Florence 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:

Article 2. Statement of Purpose and Findings. The Town Board of the Town of Florence finds that the proper construction of private driveways intersecting Town roads can create hazards to the public and proposes unnecessary expenses of the Town. The purpose of this law is to enact regulations promoting the best health, safety, and general welfare of the citizens and property of the Town of Florence through the efficient regulation of driveways and to provide minimum standards for their placement, installation, and use.

Article 3. Enactment. The Town Board of the Town of Florence hereby enacts as follows:

ARTICLE 1. INTRODUCTION

Section 100. Enacting Clause Pursuant to the authority conferred by Articles 2 and 3 of the Municipal Home Rule Law of the State of

New York, the Town Board of the Town of Florence hereby adopts and enacts the following law.

Section 110. Title This law shall be known and may be cited as the "Driveway Installation Law of the Town of Florence, New York."

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

Section 120. Purpose The Town Board of the Town of Florence finds that the improper construction of private driveways intersecting town highways may be hazardous to the public and poses unnecessary expense to the town. This law has been enacted for the purpose of promoting the best interests of the health, safety, and general welfare of the citizens and property of the Town of Florence through the efficient regulation of Driveways, and to provide minimum standards for their placement, installation and use.

Section 130. Authority By the authority of Article 2 and 3 of Municipal Home Rule Law of the State of New York, the Planning Board of the Town of Florence is authorized and empowered to regulate use of lands and roads in the town.

ARTICLE 2. DEFINITIONS

Section 200. General Definitions

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory. As used in this local law, unless the context or subject matter otherwise requires, the following words shall have the following respective meanings:

Section 205. Specific Definitions

- **Driveway:** A private road giving access from a public way to a property or building on abutting grounds.
- **Driveway Installation Permit:** Written permission required for any driveway accessing a Town of Florence Town Road.
- **Minimum Maintenance Road:** A road designated as minimum maintenance by Local Law No 1 of 2002.
- **Minimum Maintenance Road Driveway Installation Permit:** A permit for a Driveway accessing property with access only onto a road designated as minimum maintenance by Local Law No 1 of 2002.
- **Person:** The term "person" shall include a corporation,

company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

- **Seasonal Use:** A principal use which will not have access to a snow-plowed or winter maintained public road or be provided with vehicular public services such as, but not limited to, emergency services, school busing or postal delivery during the winter snow season.
- **Seasonal Use Driveway Installation Permit:** A permit for a Driveway accessing property with a Seasonal Use Designation.
- **Seasonal Use Road:** Under New York State law, an annual designation made by the Highway Superintendent to notify the public a road will not receive any maintenance between December 1st and April 1st.

ARTICLE 3. DRIVEWAY INSTALLATION REGULATIONS

Section 300. Permit required

No person, owner, tenant or contractor shall install a driveway opening onto a town road without first obtaining a driveway installation permit from the Town of Florence Codes Enforcement Officer.

Section 310. Application Procedures

1. A completed application for a Driveway Installation Permit, in writing, shall be filed with the Town of Florence Highway Superintendent upon application forms which shall be prescribed. Such application shall state the nature, location, extent and purpose of the proposed driveway opening, and the intended use of the property.
2. 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 areas and drainage facilities.
3. It shall be the responsibility of the applicant to arrange a meeting with the town highway superintendent at the site of the driveway opening to determine design specifications.
4. A driveway installation permit under this law shall be applied for coincidentally with the application for a zoning permit,

if applicable, to commence the excavation for or the construction or erection of any structure regulated by the Town of Florence Zoning Law, as amended.

Section 320. Requirements and Responsibilities

1. No driveway installation permit shall be issued for any use on a minimum maintenance road as established by Local Law No. 1 of 2002, as amended, unless it is classified as a Seasonal Use pursuant to the Town of Florence Zoning Law.
2. 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 Florence.
3. The applicant shall be responsible for the cost of any required culvert, and the cost of any agreed upon stone, as well as the cost of loading and trucking such stone and any other required material. Such cost shall be determined by the Town Highway Superintendent.
4. The town shall not perform any work on installing or maintaining any required culvert until all costs have been paid by the applicant.

Section 330. 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 340. Violations and Penalties

1. The Town Board is hereby authorized to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this law.
2. Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Municipal Home Rule Law and shall, upon conviction, be subject to a fine of not more than \$500. Each week's continued violation shall constitute a separate and distinct offense.
3. Compliance with this law may also be compelled and violations

restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town in a civil action and each week's continued violation shall be for this purpose a separate and distinct violation.

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.

(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 2018 of the ~~(County)(City)(Town)(Village)~~ of Florence was duly passed by the Town Board on February 12 2018, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

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 ~~repassed~~ 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.

~~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 _____ 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 _____ 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 _____, 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 _____ of 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)

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

Date: February 14/2018