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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.

~~XXXXXX~~  
~~XXXXXX~~ of Westerlo  
Town  
~~XXXXXX~~  
Local Law No. 1 of the year 1988

A local law Street and Highway Specifications  
(Insert title)

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

~~XXXXXX~~  
~~XXXXXX~~ of Westerlo as follows:  
Town  
~~XXXXXX~~

Street and Highway Law  
of the  
Town of Westerlo

(Adopted 06-07-88 as Local Law No. 1-1988)

1. Purpose

The purpose of this Law is to regulate the laying out of the streets, thoroughfares and/or highways and to outline the sequence of steps in connection with street construction and dedication in the Town of Westerlo, Albany county, New York, in order to ensure that such streets are designed and installed in accordance with proper engineering and construction practices.

2. Word Usage

- A. Wherever used in this Law, the word "street" shall be construed to include, but is not limited to, a thoroughfare, highway or road.
- B. Wherever used in this Law, words in the singular number include the plural, and words in the plural number include the singular.
- C. The word "shall" is mandatory and not directory. Words used in the present tense include the future.

(If additional space is needed, please attach sheets of the same size as this and number each)

### 3. Definitions

As used in this Law, the following terms shall have the meanings indicated:

**APPLICANT** -- Any person, persons, firm, corporation, partnership or association who shall submit plans and related information for construction of a street to the Town Board for approval.

**BASE COURSE** -- As asphalt concrete street paving foundation prepared and installed in accordance with the specifications of the highway and drainage standards.

**CONSTRUCTION INSPECTOR** -- An individual or a group of individuals who shall be employed by the Town of Westerlo to perform inspections during construction of a street, to ensure that the street is properly completed.

**CORE SAMPLE** -- A specimen of the street subbase and paving material, taken on completion of the base course, to verify the depth and type of materials placed.

**CUL-DE-SAC** -- A street closed at one (1) end.

**DEDICATION** -- The acceptance by resolution of the Town Board of the Town of Westerlo of a parcel of land offered by an applicant for public purposes.

**DEED** -- A conveyance of realty, by written document signed by the grantor, whereby title to realty is transferred from one party to another.

**DESIGNATED ENGINEER** -- An engineer licensed to practice under the laws of the State of New York, who may be employed by the Town of Westerlo to review and make recommendations to the Town Board regarding the design and/or construction of Highways proposed for dedication.

**DEVELOPER** -- Any person, persons, firm, corporation, partnership or association who shall, directly or indirectly undertake to construct a street.

**EASEMENT** -- A right granted by the owner of a parcel of real property to another party for use of all or part of the parcel for a specific use. "Easement" granted to the Town of Westerlo for utilities or access shall be permanent "easements".

**FINAL DESIGN APPROVAL** -- The approval of the Designated Engineer and Highway Department of final plans and details for the construction of a street. The approval shall be issued in the form of final plans signed by the Designated Engineer or his designee and by the Town Superintendent of Highways or his designee. Where a proposed street is part of a subdivision proposal, the signature of the Chairman of the Planning Board and the Superintendent of Highways on the final subdivision plan shall constitute "final design approval". "Final design approval" shall not constitute acceptance of a street by the Town of Westerlo.

**HIGHWAY AND DRAINAGE STANDARDS** -- The Town of Westerlo Highway and Drainage Standards as currently in existence or as subsequently revised.

**HIGHWAY DEPARTMENT** -- The Town of Westerlo Superintendent of Highways or his designee.

**NGVD** -- National Geodetic Vertical Datum of 1929.

**OFFICIAL HIGHWAY MAP** -- The Town of Westerlo Official Highway Map as presently existing or as subsequently adopted or amended.

**PROJECT BOUNDARY LINES** -- The limit of grading, clearing or other disturbance of the land necessary for the installation of a street or related improvements.

**PROJECT ENGINEER** -- An engineer licensed to practice under the laws of the State of New York, who shall be employed by an applicant or developer to design a street and related improvements and to supervise their installation.

**ROW or RIGHT-OF-WAY** -- That parcel of land which is to be offered to the Town of Westerlo for dedication for public purposes, and which will contain a proposed street.

**STREET** -- A traveling way intended for use by the general public and dedicated to the Town of Westerlo for public purposes.

**SUBBASE** -- A gravel street foundation layer prepared and installed in accordance with the specifications of the Highway and Drainage Standards.

**TOP COURSE** -- The final layer of asphalt concrete street paving material, prepared and installed in accordance with the specifications of the Highway and Drainage Standards.

**TOWN** -- The Town of Westerlo.

**UTILITIES** -- All storm sewer, sanitary sewer, water distribution, gas, electric power, telephone, cable television, and similar services, designed and installed with the intent to serve the general public.

#### 4. Applicability

- A. This Law shall apply to all streets located within the corporate bounds of the Town of Westerlo which are offered to the town for dedication after the effective date of this Law.
- B. The exceptions to the application of the provisions of this Law are for those streets offered to the town for dedication after the effective date of this Law that:
  - (1) Have a street plan which was approved prior to the effective date of this Law but which were not constructed by the effective date of this Law. For said streets, all the provisions of this Law, with the exception of paragraphs 8 and 9, shall apply to the construction, certification and acceptance of these streets.
  - (2) Have been constructed prior to the effective date of this Article but have not been accepted. For said streets, core samples shall be taken by the applicant's engineer as specified in paragraph 7.(22), and the stamped and signed results thereof must be submitted to and approved by the Town Highway Department and the Designated Engineer before the street can be recommended for dedication to the Town Board.

#### 5. Classification of Streets

- A. All proposed street locations shall be reviewed with the Superintendent of Highways and Designated Engineer prior to their final mapping and design to provide for their classification.
- B. Each street shall have one (1) of the following classifications and shall meet the requirements therefor:

- (1) Major Street: means a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- (2) Collector Street: means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.
- (3) Local Street: means a street intended to serve as an access to abutting property.

#### 6. General Requirements

- A. Any person desiring to construct a street or improve any portion of an undedicated street shall follow the requirements of this Law and the Town of Westerlo Highway and Drainage Standards.
- B. A preliminary meeting shall be scheduled by the Project Engineer at the time that an application is filed with the town. Parties in attendance should include representatives of the Designated Engineer, the Highway Department, the developer and the Project Engineer. The purpose of the meeting shall be to determine the requirements of all interested parties, including design requirements in order to obtain approval. If a Designated Engineer has not been appointed by the Town Board, the Town Highway Superintendent shall represent the Town of Westerlo in all instances where the Designated Engineer is named in this Law.
- C. Any grading of land, installation of utilities, cutting of trees or clearing of land except as needed for surveying purposes prior to final design approval is prohibited.
- D. The developer shall comply with all applicable federal, state and local laws, rules and regulations, including but not limited to the State Environmental Quality Review Act (SEQR), and freshwater wetlands permit regulations.
- E. Prior to the commencement of construction, a preconstruction conference with the parties specified in Sub-section B shall be held and shall include the contractor, any subcontractor and the town's construction inspector.
- F. No building permits shall be issued until the provisions of paragraph 10.E of this Law have been met.

#### 7. Requirements for dedication

- A. No street offered for dedication after the date of adoption of this Law shall be accepted as a town street unless it shall conform to the regulations hereinafter provided:
  - (1) All applications for dedication of a street shall be made in writing to the Town Board.
  - (2) All applications for dedication of a street shall be accompanied by a warranty deed with a lien covenant, conveying the proposed street ROW to the town in fee simple, without restrictions on use or ownership, with all necessary releases from mortgages or other claimants, together with a title insurance policy with the Town of Westerlo as insured for an amount at least equal to the minimum value of the road. All proposed deeds and titles to be passed upon by the town attorney and his decision shall be final. In the event that any easement or right of way are necessary in the opinion of the Town Superintendent of Highways to remove surface water or other materials, the applicant shall obtain at his own cost and expense such necessary instruments as may be required.

- (3) All streets and easements shall be deeded to the Town of Westerlo. Deeds to streets must clearly indicate the name of the street. An individual deed will be required for each street and each easement. Each deed shall be accompanied by a map drawn to scale clearly showing the proposed street or easement, with all boundary and other dimensional information.
- (4) If a street is part of a phased project, a separate deed for the highway and related easements shall be presented for each phase section, with the final phase section deed describing all previously presented deeds for the highway.
- (5) The owner and/or developer shall have had the land comprising the street surveyed and mapped by a licensed surveyor, and a stamped map thereof shall be filed in the Albany County Clerk's office and a stamped copy filed with the Town Highway Department.
- (6) The arrangement of streets or highways hereinafter laid out shall be in conformance with the Town Official Highway Map, if such exists, and shall provide for the continuation of the principal streets existing on the adjoining properties if required.
- (7) Approval in writing shall be obtained by the owner and/or developer from the Albany County Superintendent of Highways regarding drainage and access where proposed streets or highways intersect county roads, for his permission to connect said streets with such roads. A copy of said approval shall be submitted to the Town Highway Department.
- (8) Approval in writing shall be obtained by the owner and/or developer from the New York State Department of Transportation regarding drainage and access where proposed streets or highways intersect state highways. A copy of said approval shall be submitted to the Town Highway Department.
- (9) There shall be no reserve strips of real property controlling access to streets or utilities.
- (10) The property lines at all street corners shall be rounded or otherwise set back sufficiently to allow a minimum radius on the property line of twenty-five (25) feet.
- (11) Street grades shall not exceed ten percent (10%) nor be less than three-fourths percent ( $3/4\%$ ). Street grades in excess of ten percent (10%) but at no time greater than fifteen percent (15%) may be constructed for a length no greater than 300 feet at the discretion of the Superintendent of Highways, provided that approval is also obtained from the Planning Board, and the Town Board.
- (12) As far as practical, acute angles between streets at their intersections are to be avoided.
- (13) Sufficient monuments shall be placed to properly reproduce each and every street laid out. Street markers must be placed at all points of curvature and at intervals not exceeding five hundred (500) feet on tangent lengths over five hundred (500) feet long. Permanent monuments shall be constructed of material and of a size as directed by the Highway Superintendent and the Designated Engineer.
- (14) Local streets approved to have one (1) end permanently closed shall have at the closed end a cul-de-sac having a minimum radius for the outside property line of at least sixty (60) feet. Said cul-de-sac shall comply with the Highway and Drainage Standards.

- (15) When the construction of a new street results in the extension of an existing street having a cul-de-sac, the developer shall submit a plan for the removal of said cul-de-sac and the reestablishment of lawn and driveway to existing properties. Approval of the removal of a cul-de-sac shall be part of the street approval, and the actual performance of said work shall be completed prior to the dedication of said street.
- (16) The developer shall have all proposed utilities installed underground, without expense to the town. No utilities shall be installed prior to final design approval. Underground utilities shall not be installed prior to the subgrading of the proposed street ROW and/or utility easements.
- (17) The installation of streets and storm sewers shall be in accordance with the provisions of this Law and the Highway and Drainage Standards in effect at the time of construction.
- (18) The installation of water mains, sanitary sewers, or dry sewer and/or water mains, if required by the project or the Town will be in accordance with regulations which may be in effect at the time of construction.
- (19) The developer shall coordinate the layout of proposed electric power, gas, telephone, cable television and other utilities not owned and maintained by the town with the respective utility companies and shall provide the Designated Engineer with plans for these services when they are approved by the utility companies. All such utility lines, or necessary conduits for street crossings for each utility, shall be installed prior to placement of subbase material in the street ROW.
- (20) Once the subbase material is in place in the street ROW, no open excavations or subsurface borings shall be made in the portion of the ROW to be paved without written permission from the Superintendent of Highways and the Designated Engineer, or their respective designees.
- (21) Access to and from any construction site at all times must be maintained for use by emergency vehicles. Lack of proper emergency access will be grounds for the stopping of all work on the site.
- (22) The town may employ at its discretion a construction inspector to act as its agent for the purpose of assuring satisfactory completion of improvements except sanitary sewer, water distribution and utilities not owned and maintained by the town, shown on the final design approval. The inspection provided for shall include, but not be limited to, all grading, street improvements, drainage, stormwater management systems and erosion control measures, and shall include core sampling of the street upon completion. Samples shall be taken along the street at its beginning and end points, and at intervals of not greater than five hundred (500) feet or one-third (1/3) the length of the street, whichever distance is less. Additional samples may be required by the town. Core sample holes shall be filled with compacted hot, plant-mixed asphalt concrete of the same specification as the base course material.
- (23) The town will determine an amount sufficient to defray the costs of such inspections, based on the hourly rate of its construction inspector and the Designated Engineer's estimate of the number of hours required for inspection. The developer shall deposit said amount of moneys with the Town in an escrow account prior to final design approval. The town shall be authorized to pay the costs of inspection by its construction inspector from the moneys on deposit in said account and shall return to the developer any moneys, including

interest on balance in the account at the time of dedication of the street, provided that all inspection costs have been paid. If the moneys on deposit prove to be insufficient for the costs of required inspections, the town shall require that the developer deposit additional moneys in an amount sufficient to cover the costs of such additional inspections as may be required.

(24) Inspections.

- (a) If a construction inspector has been designated, the developer shall notify the inspector at least forty-eight (48) hours in advance of commencement of any work to be done on the street, grading, drainage, stormwater management systems, erosion control measures or other improvements which the developer has been (20) informed will require inspection by the construction inspector, and shall not proceed with such work unless the construction inspector is present. Any work undertaken without proper notification and the presence of the town's construction inspector shall be at the risk of the developer and shall not be accepted unless it is clearly shown to the satisfaction of the Highway Department and the Designated Engineer to be in compliance with approved plans and the Town Highway and Drainage Standards.
- (b) The town's construction inspector shall immediately notify the developer, the Designated Engineer and the Highway Department of any discrepancies observed in the course of inspecting the work. It shall be the responsibility of the developer to correct any such deficiencies to the satisfaction of the construction inspector, the Designated Engineer and the Highway Department.
- (c) The town's construction inspector shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the construction, nor shall he be responsible for the contractor's failure to carry out the construction in accordance with the approved drawings and specifications.

- (25) Upon completion of the construction or installation of facilities, the applicant shall file a certificate of compliance with the Designated Engineer stating that to the best of his knowledge the street has been completed in accordance with the approved drawings, specifications and addenda thereto and the Highway and Drainage Standards, insofar as storm sewer, paved areas and grading, or shall state any defects of which he is aware. No street shall be accepted for dedication by the Town Board until said certificate of compliance has been filed with the Designated Engineer.

8. Preliminary plan submission

- A. Prior to preparation of detailed plans, the applicant shall submit to the Designated Engineer and the Town Highway Department three (3) copies of a preliminary plan of the proposed streets and related improvements showing location of existing streets, features of historic concern, vegetation, watercourses, drainage ditches, wetlands and other natural features, and the location of the proposed street and other improvements.
- B. The Designated Engineer and Highway Department shall review the preliminary plan to clarify the proposed street(s) in accordance with paragraph 5, and to ensure that it is in conformance with the Town Official Highway Map if such exists, and is otherwise properly laid out with respect to existing streets, utilities, structures and natural features.
- C. The Designated Engineer shall, after review and receipt of comments by other involved departments, notify the applicant as to the acceptability of the preliminary plan. If the plan is unacceptable, the reasons therefore shall be stated.

9. Final plan submission

A. Seven (7) copies of the final street plan shall be submitted to the Designated Engineer. The final map shall be at a scale of one (1) inch equals one hundred (100) feet or less and shall include;

- (1) All contiguous property owned by, leased by, or under option to the applicant.
- (2) A location plan at a scale of one (1) inch equals one thousand (1,000) feet, showing the general location of the property and all drainage areas tributary to, downstream of or otherwise affected by the proposed development. Orientation of the location plan shall be the same as the development plan.
- (3) Existing and proposed contours based on NGVD at vertical intervals not greater than two (2) feet. Contour intervals of less than two (2) feet may be required by the Designated Engineer where necessary. At the discretion of the Designated Engineer, the requirement for a contour map may be waived if sufficient detail can be shown by a road profile showing existing and proposed grades at center line.
- (4) Planimetric and topographic features within and fifty (50) feet beyond the project boundary lines.
- (5) All watercourses, ditches, ponds, swamp areas, state designated freshwater wetlands, federal flood hazard zones, sites of historic significance, slippage prone areas or any potentially sensitive areas within or adjacent to the proposed site.
- (6) All adjacent properties and owners.
- (7) Benchmark of permanent nature related to NGVD.
- (8) Soil test locations and results to a depth of five (5) feet below street centerline elevation at any given point or to groundwater, whichever is less. Soil tests shall be made along the centerline of the proposed street at its beginning and end points and at intervals of not greater than five hundred (500) feet or one-third (1/3) the length of the street, whichever distance is less. Additional tests may be required by the Designated Engineer or Highway Department.
- (9) All existing and proposed streets or highways with necessary survey data.
- (10) The exact alignment and width of streets.
- (11) Where a proposed street meets an existing street, the ROW boundary lines and edges of pavement of the existing street and, if applicable, the boundary lines of any street opposite the proposed street. Where the existing street is less than fifty (50) feet in width, the applicant shall dedicate to the town for public purposes a strip of land such that the boundary line of the land being served by the proposed street is not less than twenty-five (25) feet from the center line of the existing street. It is the intent of this section that, where the land on both sides of such an existing street is at present undeveloped, a strip of equal width shall be granted from each side upon development, so that the final width of the street shall be not less than fifty (50) feet.
- (12) The proposed names of all streets, which must be approved by the Town Planning Board.



- (13) Location of permanent monuments along proposed streets sufficient to reestablish property lines.
  - (14) A center-line profile of the streets at a horizontal scale of one (1) inch equals fifty (50) feet or less and a vertical scale of one (1) inch equals five (5) feet or less, which shall show the original surface, finished grade and other pertinent information.
  - (15) Existing and proposed water, sanitary and storm sewer lines, including all pipe sizes and types, top of frame and invert elevations of manholes and catch basins, and pipe invert elevations at manholes, catch basins and end points.
  - (16) Permanent easements for any and all utilities. Standard utility easements shall be thirty (30) feet in width.
  - (17) The standard cross section applicable for each type of street as set forth in the Town of Westerlo Highway and Drainage Standards, as last amended.
  - (18) A block three by three (3 x 3) inches for town approval next to the title block of said plans.
  - (19) The following standard notes:
    - (a) Development area contains....acres and lies within an area zoned.....
    - (b) No cut slope from boundary of adjacent property shall exceed two (2) horizontal to one (1) vertical.
    - (c) No embankment slope shall exceed three (3) horizontal to one (1) vertical.
    - (d) Streets and storm sewers shall conform to the Town of Westerlo Highway and Drainage Standards.
- B. In addition, a final submission to the Designated Engineer shall include:
- (1) Deeds to all proposed streets.
  - (2) A drainage report and stormwater management plan in accordance with the Town of Westerlo Highway and Drainage Standards, signed and stamped by the project engineer with a statement that, in his best engineering judgement, the system of drainage shown will function adequately and will not adversely affect adjacent or downstream properties.
  - (3) An affidavit by the owner and/or developer that he has searched or caused to be searched all public records and the names of the adjoining owners are correct as of the date of the map.
  - (4) An affidavit by the surveyor that he has searched all available public records and the limits and names of adjoining properties are correct as of the date of the map.
  - (5) A complete description and executed deed by the owner of all easements shown on the map.
- C. Upon receipt of the proposed final plans prepared in accordance with Subsection A and other documents as required by Subsection B, the Designated Engineer shall notify the applicant in writing of the Designated Engineer's approval or disapproval of the final design. If plans and/or other submissions are not satisfactory, the Designated Engineer shall state the reasons therefor. Final plans shall be forwarded to the Town Superintendent of Highways for his signature, which shall constitute final design approval of the street plan.

- D. Where proposed streets are submitted for approval in connection with a proposed subdivision plan, the requirements of this Law shall be deemed the minimum requirements for approval of streets and utilities within the subdivision. The final approval by the Planning Board of the subdivision plan and the signature of the Town Superintendent of Highways shall constitute final design approval of the proposed street plan.

#### 10. Acceptance of street

- A. Recommendation of acceptance; imposition of additional requirements; waiver of conditions; guarantees.

- (1) If, in the opinion of the Town Superintendent of Highways and the Designated Engineer, the proposed street and related utilities have been completed in accordance with the final design approval and the Highway and Drainage Standards, and the town's construction inspector verifies that the construction he is responsible for inspecting has been inspected by him and is in accordance with the final design approval and the Highway and Drainage Standards, and the applicant has filed a certificate of compliance as provided in paragraph 7.A.(25) of this Law the Town Superintendent of Highways shall recommend to the Town Board that the street be accepted.
- (2) Prior to acceptance of the street, the Town Board may, in its discretion, impose additional requirements or conditions if in its judgement the public interest will be best served by such requirements or conditions.
- (3) The Town Board may in its discretion accept a proposed street notwithstanding that it does not conform to all of the provisions of this Law if, in its judgement, the public interest will be best served by such an acceptance. However, such an acceptance will be subject to such conditions as the Town Board may impose.
- (4) Further, no street offered for acceptance after the date of this local law shall be accepted unless it is accompanied by a maintenance contract signed by offeror wherein he agrees to maintain the street in good state of repair satisfactory to the Town Superintendent of Highways for a period of 18 months from the date of formal acceptance of the street as a Town Highway. The agreement shall cover the maintenance of all portions of the street including the carriageway, shoulders, ditches, culverts, sluiceways, drainage facilities, and any other portions of the street. It shall also obligate the offeror to correct all defects of initial installation or construction however caused.

It shall also obligate the offeror to use only materials which are satisfactory to the Town Superintendent of Highways, and if unsatisfactory materials are used, to remove them and replace them with materials satisfactory to the Town Superintendent of Highways.

The contract shall obligate the offeror to perform the work when needed and without notice from the Town and to save the Town harmless from all liability arising out of failure to fulfill his obligations under the agreement or his failure to do any work required in a proper manner.

The contract shall require the offeror to complete any work deemed to be necessary by the Town Superintendent of Highways within 10 days of receipt of a written notice by the Town Superintendent of Highways (or any such longer time as the notice may state) stating the deficiency and corrective work required. Upon the offeror's failure to comply

with this written request, the Town Superintendent of Highways may, without further notice, perform or contract for the performance of the corrective work set forth in the notice at the expense of the offeror, and the offeror shall agree to pay the Town all expenses, including labor, materials, and equipment expenses, within 15 days of presentation of a statement of expenses.

The contractor shall state that the offeror's obligation to perform any corrective work necessary before the end of the 18 month period shall survive the termination of the agreement and if, in the opinion of the Town Superintendent of Highways, this work cannot be segregated from work which becomes necessary after the end of the 18 month period, he, the Town Superintendent, shall in his sole discretion, designate the part (including the whole) of the work which shall be performed by the offeror.

It is the propose of this maintenance contract to enable the Town to accept streets as Town Highways prior to the time when it would otherwise do so to assist the offeror in the financing and sale of property abutting the street but to leave with the offeror the expenses and obligations for the road which the Town would otherwise prematurely assume.

- B. Before any street shall be accepted for dedication, the street shall be suitably improved up to and including the placement of the base course of asphalt concrete to the satisfaction of the Town Superintendent of Highways and the Designated Engineer, in accordance with all applicable standards and specifications.
- C. Pavement standards.
  - (1) Determinations for final acceptance of the pavement structure shall be made from core samples taken upon the completion of the base course of pavement as indicated in paragraph 7.A.(22).
  - (2) The pavement shall be so constructed that the final compacted thickness is as near to the approved thickness as is practical, and it shall be within the limits specified below:
    - (a) The total thickness of each individual core sample on local residential streets shall not deviate by more than one-fourth (1/4) inch from the approved pavement thickness.
    - (b) The total thickness of each individual core sample on commercial or feeder streets shall not deviate by more than one-half (1/2) inch from the approved pavement thickness.
    - (c) The average thickness of all core samples taken on any street shall be equal to or greater than the approved pavement thickness for that street.
- D. Upon completion and certification of the subbase and prior to dedication of the street or the issuance of any building permit, the applicant shall deposit with the town a cash payment to cover the placement of the asphalt concrete. Said payment shall be nonrefundable and shall be of an amount sufficient to cover the costs of raising of manholes, valves and catch basins, trueing and/or leveling, and paving. The amount shall be determined by contract prices secured by the town annually through competitive bidding for such work. The town shall use these funds to complete or cause to be completed the necessary work, at such time as the town deems appropriate. The amount shall also include funds necessary to complete other related items which may be unfinished other than the asphalt pavement.

- E. No building permits shall be issued on a proposed street until all improvements, the grading, street and storm sewers are verified as properly completed by the town's construction inspector, or until a cash payment in accordance with Paragraph 10.D has been made. The Designated Engineer shall issue a written statement to the Code Enforcement Office stating that building permits may be issued. In no case shall a certificate of occupancy be issued for any building until the base course of pavement is complete and the street is dedicated.
- F. Upon the completion of the installation of the asphalt base course to the satisfaction of the Superintendent of Highways, the stabilization of all open soil areas to the satisfaction of the Designated Engineer and the proper depositing of moneys as required in Subsection D, the Town Board may dedicate the street in accordance with Subsection A and the applicable provisions of New York State Law.

#### **11. Miscellaneous requirements**

- A. Before any work approved under the provisions of this Law is undertaken in an existing street ROW by any developer or contractor, a highway work permit must be obtained from the Superintendent of Highways.
- B. Any damage to an existing street occurring during the course of development of lands adjacent to the street shall be the responsibility of the applicant obtaining the building permit for the building that was the cause of such damage and shall be repaired to the satisfaction of the Superintendent of Highways prior to the issuance of a certificate for use of utilities or a certificate of occupancy. If such damage occurs during the winter months, the developer shall post a cash escrow to cover the cost of said repairs. Said escrow agreement shall specify a date by when such repairs shall have been completed. If the repairs are not completed by the date specified, the Superintendent of Highways shall have the authority to use the escrow moneys to complete the repairs.

#### **12. Fees**

The applicant shall submit with his application a fee for review of the application and plans to the Designated Engineer. The amount shall be in accordance with the fee schedule established by the Town Board.

#### **13. Enforcement**

The provisions of this Law shall be enforced by the Highway Department.

#### **14. Penalties for offenses**

- A. Any person or persons, associates or corporations committing an offense against this Law or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not to exceed two hundred fifty dollars (\$250) or imprisonment not exceeding fifteen (15) days, or both.
- B. In the event of a continuing offense of any section or provision of this Law, each day such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment or combination thereof.
- C. In lieu of, or in addition to, any fine or imprisonment, or both, imposed for a conviction of an offense of this Law, each such offense may be subject to a civil penalty not to exceed two hundred fifty dollars (\$250), to be recovered in an action or proceeding in a court of competent jurisdiction. Each day an offense continues shall be subject to a separate civil penalty.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 19 88.  
~~XXXXX~~  
of the ~~XXX~~ Town of Westerlo was duly passed by the Town Board  
~~XXXXX~~ (Name of Legislative Body)  
on June 7, 1988, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Town (Name of Legislative Body)  
Village  
on \_\_\_\_\_ 19\_\_\_\_\_, not disapproved  
and was approved by the \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer \*  
and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_\_, 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 19\_\_\_\_\_  
County  
of the City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Town (Name of Legislative Body)  
Village  
on \_\_\_\_\_ 19\_\_\_\_\_, not disapproved  
and was approved by the \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer \*  
on \_\_\_\_\_ 19\_\_\_\_\_. Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the appli-  
annual  
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_  
Town (Name of Legislative Body)  
Village  
\_\_\_\_\_ 19\_\_\_\_\_, not disapproved  
and was approved by the \_\_\_\_\_ on \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer \*  
\_\_\_\_\_ 19\_\_\_\_\_. Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
\_\_\_\_\_ 19\_\_\_\_\_, 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

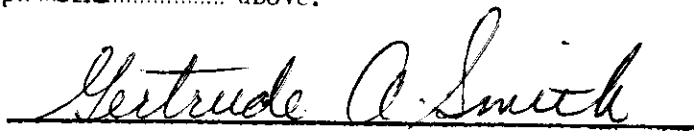
I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the <sup>special</sup> ~~general~~ election held on ..... 19 ..... 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 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., 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 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 one..... above.

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

Date: June 14, 1988

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....  
Thomas E. Dolin Signature

..... Town Attorney .....

Title

Date: June 14, 1988

~~XXXXX~~

~~KNX~~

Town

~~XXXXX~~

of Westerlo