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NEW YORK STATE DEPARTMENT OF STATE
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Local Law Filing DEPARTMENT OF STATE

(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 of Knox
 Town
 Village

Local Law No. 2 of the year 20 07

A local law Number 2 of 2007, the Town of Knox Highway Law
(Insert Title)

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

- County
 City of Knox as follows:
 Town
 Village

Town of Knox Highway Law

Section 1. Title.

This Local Law shall be referred to as Local Law Number 2 of 2007, the Town of Knox Highway Law.

Section 2. Findings, Intent, and Purpose.

1.1 The Town Board of the Town of Knox and the Town Highway Superintendent (the "Highway Superintendent") have determined that the current Highway Law is technically outdated and needs to be revised and updated to current standards to provide for the appropriate and effective management of the Town roadways. Accordingly, the Town Board, in the interest of the health, safety and welfare of the Town residents, finds that the promulgation of this Local Law is necessary to define the technical requirements for new roads and the management system to be used for accepting any new Town roads and maintaining the existing roadway system.

1.2 The purpose of this Local Law is to promote the health, safety and general welfare of the residents of the Town of Knox through the definition of requirements for acceptance of new roadways and the management of the Town roadways.

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

Section 3. Acceptance of New Roadways

3.1 All roadways to be taken over by the Town shall be certified to be in compliance with the standards in this Town Law by a Professional Engineer licensed to practice in New York State, herein referred to as the Project Engineer.

3.2 Before the roadway is to be taken over by the Town, a set of as-built plans approved by the Project Engineer shall be submitted to the Town Clerk and the Highway Superintendent at the Town Hall, Route 156, Knox, N.Y. 12107. Approval by the Highway Superintendent that the project meets the standards shall be required prior to acceptance by the Town Board. Both the Highway Superintendent and the Town Board must accept the roadway before it is accepted as a part of the Town road system. The Town reserves the right to not accept a roadway, notwithstanding that all portions of these standards have been met. The Town reserves the right to hire a professional engineer to review the roadway plans at the developer's expense.

3.3 All applications for the dedication of a roadway shall be accompanied by a proposed warranty deed conveying said roadway to the Town, with all necessary releases from mortgages or other claimants. All deeds and plans must meet requirements for filing with the County Clerk.

In addition, there should be a complete release of all liens arising out of the construction of the dedicated improvements, or receipts in full lieu thereof, and if required in either case, an affidavit that so far as the Developer has personal knowledge or information, the releases and receipts include all labor and materials for which a lien could be filed.

3.4 For a subdivision, the plans must be submitted prior to start of construction. A construction plan showing erosion control and other pertinent information must be

supplied for subdivisions.

3.5 For disturbances of 1 acre or more, a Stormwater Pollution Prevention Plan must be prepared consistent with the requirements and standards of the New York State Department of Environmental Conservation.

3.6. As a minimum, the plans for the roadway shall provide the following:

- Design criteria used,
- The names of all streets approved by County Department of Emergency Services,
- Location and alignment survey performed by a licensed Surveyor that includes:
 - Original and finished grades,
 - The layout and locations of all roads and streets and their metes and bounds,
 - The location of any property lines and their metes and bounds,
 - The location of the Town's right-of-way,
 - The location of other rights-of-way and easements including a statement of their allowable uses,
 - The location of all drainage structures,
 - The location of any utilities in the right of way,
 - The names of adjacent property owners to the roadway,
- A maintenance plan for the roadway,
- Locations of all signs and traffic control devices,
- A cross section of a typical tangent section,
- A traffic study determining the Average Daily Traffic and types of traffic for all roads and streets. The traffic study shall also describe all methods used to collect data,
- The Functional Classification of all roads and streets based on the criteria presented in the *AASHTO Guidelines for Geometric Design of Very Low-Volume Roads (ADT ≤ 400)* or the *AASHTO Policy on Geometric Design of Highways and Streets*. Where there exists a conflict between two or more of the defined classifications, the classification having the most stringent design guidelines shall be indicated.

3.7 Clarification of exceptions to these standards shall be approved, in advance, by the Highway Superintendent in writing. Oral responses by the Highway Superintendent will not be considered as approved.

3.8 Design and construction requirements

a. The roadway shall be certified to meet the requirements of the most recent edition of the following documents, listed here in order of precedence:

1. *Manual: Guidelines for Rural Town and County Roads*, Local Roads Research and Coordination Council
2. *Guidelines for Geometric Design of Very Low-Volume Local Roads*, American Association of State Highway and Transportation Officials
3. *Standard Specifications for Construction and Materials*, New York State

Department of Transportation.

4. *Highway Design Manual*, New York State Department of Transportation
5. *Policy on Geometric Design of Highways and Streets*, American Association of State Highway and Transportation Officials

b. The requirements listed in these specifications are for low volume roads and streets with a maximum Average Daily Traffic (ADT) of 400 vehicles per day.

1. Any roadway that does not meet the definition of a low volume roadway will require standards that are more stringent than those defined in these specifications. In such a case, the entire design must be approved before construction.

2. All new bridges shall meet the criteria in Chapter 5 of the AASHTO *Policy on Geometric Design of Highways and Streets*. Existing bridges will be certified free of safety issues.

3. All design criteria shall be listed on the roadway plans and any criteria not listed in the two publications listed above shall be determined using current engineering practice and approved by the Highway Superintendent..

4. The plans shall designate the source of any design assumptions.

c. In addition, as a minimum, the road shall meet the following criteria:

6. A design life of not less than 20 years with routine maintenance,

7. A minimum design speed of 45 mph,

8. A right-of-way of not less than 60 feet,

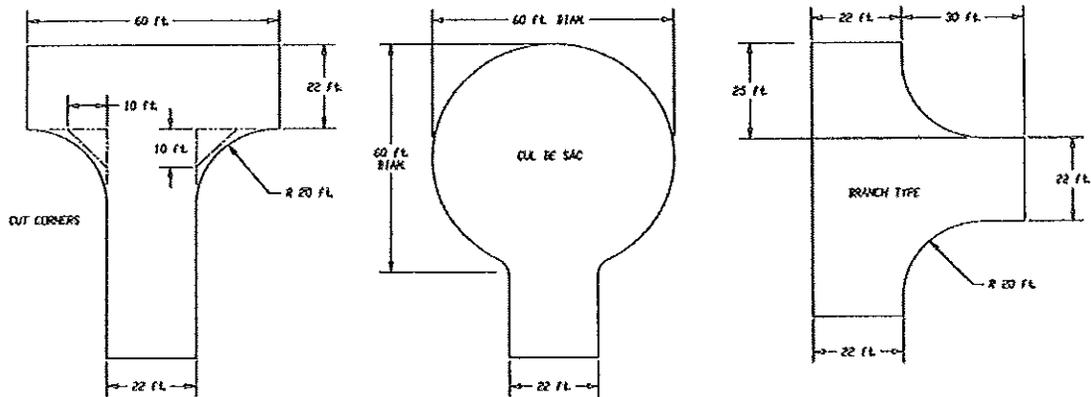
9. A total roadway width of not less than 22 feet, including shoulders with a minimum width of 2 feet,

10. Drainage facilities designed to handle a 50-year storm under the roadway and 25-year storm on all other facilities, The minimum size opening of any pipe is 18 inches in diameter or equivalent; steel pipe is allowed only with specific approval by the Highway Superintendent,

11. The combined thickness of the base and the surface courses shall be at least 24 inches thick, including a minimum of 15 inches of base course of crusher run gravel (Item F) to be placed on woven stabilization fabric, a 3 inch binder course (Type 3, Spec 403.13 or current equivalent), and a 1 inch top course (Type 7, Spec 403.18 or equivalent), all built and compacted to current State specification,

12. Provisions for pedestrian and bicycle use are encouraged.

- d. The Highway Superintendent may specify additional right-of-way where deep cuts and fills exist, in areas adjacent to drainage structures, and otherwise with discretion and consideration for the terrain.
- e. Should the road terminate short of the adjacent property line, the right-of-way shall be extended to the adjacent property line.
- f. Dead-end road designs will terminate with turn-a-rounds of a type approved by the Highway Superintendent and designed in accordance with the following diagram. The pavement structure under the turnaround or cul-de-sac shall be the same as for the rest of the road.



- g. All materials and all work shall meet the requirements of the latest revision of the New York State Department of Transportation *Standard Specifications for Construction and Materials*, including any Engineering Instructions or Bulletins, unless alternatives are approved by the Highway Superintendent in writing, in advance.

Section 4. Roadway Management Standards.

- 4.1 The Highway Superintendent shall manage the maintenance of the town roadways consistent with the definitions, guidelines and standards presented in the *Manual: Guidelines for Rural Town and County Roads*, Local Roads Research and Coordination Council.
- 4.2 Minimum maintenance road designation. The *Manual: Guidelines for Rural Town and County Roads* provides a system for classifying roadways, including a designation of "minimum maintenance road" for roadways to be maintained at reduced or seasonal levels. A road, or road segment, which has been so designated may be maintained at a level which allows such road to remain passable and functional in accordance with standards contained in the Guidelines. In no way shall the term "minimum maintenance" be construed to mean "no maintenance" or "abandonment". The procedure for designating any road in Knox as a "minimum maintenance road" shall include the following: recommendation for such designation by the Highway Superintendent to the Town Board; consideration by the Town Board with review by the Town Planning Board and the local School Board, and approval by the Town Board.
- 4.3 Discontinuance of minimum maintenance road designation. Any person or persons owning or occupying real property abutting a road or portion thereof which has been designated a minimum maintenance road may petition the town board to discontinue the designation of such road or portion thereof as a minimum maintenance road. Such petition shall be filed with the clerk of the town. Such petition shall identify the road or portion thereof to be discontinued as a minimum maintenance road and set forth the reasons for such discontinuance. The town board may direct the Highway Superintendent to discontinue such minimum maintenance road designation in the event it determines such discontinuance to be in the public interest.

Section 5. Interpretation, Conflict with Other Laws.

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare of the residents of the Town. This Local Law is not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided that whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted regulations, rules or ordinances, the most restrictive, or those which impose the highest standards, shall govern.

Section 6. Separability.

If any section, subsection, phrase, sentence or other portion of this Local Law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of any remaining portion hereof.

Section 7. Effective Date

This Local Law shall be effective immediately upon passage and filing of the same with the New York State, Secretary of State's office.

(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. 2 of 20 07 of the ~~(County)~~(City)(Town)(Village) of Knox was duly passed by the Knox Town Board on May 22 20 07, 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 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 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 ONE, above.

Kimberly D. Swain
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: May 22, 2007

(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.

John E. Dupree
Signature
Town Attorney
Title

County _____
City of Knox
Town _____
Village _____

Date: May 22, 2007