

Town of Olean

Local Law

DRIVEWAYS

Purpose.

The Town Board of the Town of Olean finds that unsupervised installation and repair of driveways on Towns roads can cause dangerous and harmful conditions unless adequate provisions are made for the diversion of surface water, for adequate passage of storm water under the driveway as it crosses the highway ditch, and for adequate sight distance from the driveway to motorists using the highway. This chapter is adopted by the Town Board to reduce these problems and thereby enhance the health, welfare and safety of the inhabitants of the Town and all persons using Town roads while reducing expenditures to the Town of Olean.

Installation requirements, application required.

No person shall build a new driveway from a Town road or replace an existing driveway pipe without first submitting a written application to the Town, paying the applicable fee(s) and receiving approval from the Highway Superintendent.

The Town Board of the Town of Olean shall adopt and may by resolution amend, from time to time, the specifications concerning the construction of driveways abutting a Town highway. In adopting or amending such specifications, it shall consider the location of said driveway, its effect upon the highway drainage system, its effect upon the safety of said highway to the users thereof, the width and character of the affected highway, the density of the traffic upon said highway and the character and nature of said traffic. The Town of Olean Highway Superintendent may also impose additional conditions given the location, size of driveway or other pertinent facts and circumstances. No such permits shall be issued unless the driveway, construction or excavation conforms to the specifications as adopted by the Town Board or the conditions imposed by the Highway Superintendent.

Direct flow of stormwater from the proposed new driveway onto any Town of Olean highway shall not be permitted. Drainage swales or ditches shall be provided at both sides of the proposed driveway and shall provide for proper drainage from the driveway into an existing road ditch within the public right-of-way.

Fees and expenses.

No application shall be complete without payment of the application fee by the property owner.

The amount of all fees shall be prescribed, and adjusted from time to time, by resolution of the Town Board.

The cost of all materials, including replacement culvert pipes and additions to existing culvert pipes, shall be paid by the property owner.

Permit application, permit.

Any person, firm, corporation, or other entity desiring to gain access to a Town road must obtain a driveway permit from the Town of Olean.

Upon notice of the planned installation of a new driveway or the replacement or extension of an existing driveway culvert pipe on a Town highway, the Highway Superintendent shall meet with the interested property owner for the purpose of providing and explaining to the owner a driveway permit application.

The driveway permit application will require a sketch or drawing that shows the proposed location of all culvert pipes and gives dimensions to nearby reference points.

The Highway Superintendent will review existing conditions at the site and will determine the proper diameter, length, and depth of the culvert pipe to be installed.

Site distance is an important consideration during the permit review process. Sightlines from the driveway entrance shall be two hundred feet in each direction along the road. Conditions at the driveway entrance may allow for sightline distance adjustments at the discretion of the Highway Superintendent. Site distance will be measured from a point ten feet from the edge of the road and forty-eight inches above the surface of the driveway.

The approved application shall constitute a permit for doing the work described in it.

Installation.

The installation of all driveway pipe culverts will be performed by the Town of Olean Highway Department unless it is determined by the Highway Superintendent that it is not feasible for the Town of Olean to perform the work.

Installation by private contractor, inspection.

In the case where the Town of Olean Highway Superintendent finds that the installation of a driveway culvert pipe is not feasible, the property owner may hire a private contractor to perform the installation of the driveway culvert pipe.

All work done by a private contractor shall be at the expense of the property owner.

All private contractors must provide an appropriate insurance certificate naming the Town of Olean as an additional insured party before any work can begin.

No work by a private contractor shall begin until the driveway application fee is paid to the Town of Olean.

All driveway culvert pipe installation work performed by a property owner or private contractor will be subject to a final inspection and acceptance by the Highway Superintendent. The contractor or owner shall request a final inspection while the contractor is still on site. Should the installation not be done according to the approved permit, the Highway Superintendent reserves the right to order proper corrections to the installation. The expense of all work to correct the work will be paid by the property owner.

Permanent and continued maintenance.

Permanent maintenance of all aspects of the driveway entrance to a Town road is the responsibility of the property owner. Permanent maintenance includes, but is not limited to, maintenance of the driveway surface, ditches or swales along the driveway and sightlines from the entrance along the road.

The owners or occupants of lands shall keep in repair all approaches or driveways from the Town highway, under the direction of the Highway Superintendent. It shall be unlawful for any owners or occupants of lands to fill up any ditch or place any material of any kind or character in any ditch so as to in any manner obstruct or interfere with the purposes for which it was made.

Penalties for offenses.

In a case where a new or replacement driveway culvert pipe is installed by a private contractor or other person without prior approval and permission of the Highway Superintendent:

- (1) The owner shall be required to submit a driveway permit application and pay the appropriate fee to the Town of Olean, and

- (2) The installation shall be subject to removal and reinstallation at the expense of the property owner if found to be unsatisfactory by the Highway Superintendent.

Any violation of this law shall be an offense punishable by a fine not to exceed \$250.00.

Severability.

The invalidity of any clause, sentence, paragraph or provision of this chapter shall not invalidate any other clause, sentence, paragraph or part thereof.

Effective.

This law shall take effect upon the filing in the office of the New York State Secretary of State.