

TOWN OF SPRINGPORT, CAYUGA COUNTY, NEW YORK
LOCAL LAW NO. 2 OF 1988
HIGHWAY OPENINGS AND CROSSINGS

Article I

1.000 Title

This Local Law shall be known as the "Highway Opening and Crossing Code of the Town of Springport".

Article II

2.000 Permits

- A. It shall be unlawful for any person to open an entrance upon or to excavate upon any town highway or to cross any town highway with a structure unless and until a permit shall have been granted by the Town Highway Superintendent with the approval of the Town Board.
- B. It shall be unlawful for any person to excavate, alter or repave any existing entrance to any town highway until a permit shall have been granted by the Town Highway Superintendent with the approval of the Town Board.

2.100 Application for Permit

- A. Application for such permits shall be made to the Town Highway Superintendent of forms provided therefor.
- B. Before the permit required by Section 2.000 herein shall be issued, the person so requesting the permit shall:
1. Furnish to the Town Highway Superintendent a sketch showing the road and location of the entrance to be opened or to be excavated or crossed and the manner in which the opening, excavation or crossing shall be made, including the final slopes and drainage at the intersections for any entrance openings.
 2. Deposit a sum of at least Five Hundred Dollars (\$500.00), but not more than One Thousand Dollars (\$1,000.00), in cash or certified check, at the discretion of the Town Highway Superintendent, as a good and sufficient bond for the repair of any road, to its original condition, damaged as a result of an entrance opening, excavation or crossing. The aforesaid deposit shall be returned to the permittee or his duly authorized agent upon inspection by the Town Highway Superintendent after the entrance opening, excavation or crossing has been completed and provided that such road has been restored to its original condition.

2.200 Forfeiture of Deposit

In the event that the road is not restored to its original condition or the work has not been completed pursuant to the terms and conditions of the permit within ten (10) days after notice from the Town Superintendent of Highways shall be forfeited to the Town, and the town shall accept said deposit as damages for the damage done to said road and shall immediately restore the road to its original condition. Any monies left over after the restoration of the road shall be returned to the permittee.

Article III

3.000 Required Safety Precautions

Any person making an opening in any road shall protect such opening by means of proper barricades and lights and maintain the same during

LOCAL LAW NO. 2 of 1988 (continued)

Article IV

4.000 Permit Issued Without Town Board Approval

If it appears to the Town Highway Superintendent from the application that the work to be done shall consist only of a driveway opening or repaving and that such work may be completed without damage to the town highways or other property, the Town Highway Superintendent shall issue such permit without the approval of the Town Board required by Section 2.000 herein and may waive the deposit required by Section 2.100(B)(2) herein, but nothing herein shall be deemed to waive any rights the town may have in the event that damage is caused to the town highways or other property.

If it thereafter appears that such work may cause damage to the town highways or other property, the Town Highway Superintendent shall revoke such permit, and no new permit shall thereafter be issued for such work except as otherwise provided herein.

Article V

5.000 Building Permits and Certificates of Occupancy

When a highway opening and crossing permit is required under the provisions of this Local Law, of the Town of Springport, no building permit for any construction may be issued and no certificate of occupancy may be issued until the Highway Superintendent approves in writing the construction of the driveway in relation to location, slope and drainage.

Article VI

6.000 Enforcement Officer

The Town Superintendent of Highways is hereby authorized, directed and delegated to enforce the provisions of this local law.

Article VII

7.000 Penalties for Offenses

Any person who shall violate this local law is guilty of a violation and subject to punishment under the Penal Law of the State of New York. Each week's continued violation of this local law shall constitute a separate additional violation.

Article VIII

8.000 Repealer

All ordinances or parts of ordinances or local laws in conflict with or inconsistent with the provisions of this local law are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or local law hereby repealed prior to the taking effect of this local law.

8.100 Severability

If any part or parts of this local law are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this local law.

8.200 When Effective

This local law shall take effect immediately.