DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO CREATE CHAPTER 97 AND AMEND CHAPTERS 192, 195 AND 223 OF THE CITY OF BEACON

A LOCAL LAW to create Chapter 97 and amend Chapters 192 and 223 of the Code of the City of Beacon concerning Driveways.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 97 of the Code of the City of Beacon entitled "Driveways" is hereby created as follows:

§ 97-1. Driveway construction.

A. No person, association, corporation or firm shall establish, build, construct, expand, reconstruct or pave a driveway or parking lot for vehicular traffic, which abuts upon, provides access to or adjoins a City highway or street without having first obtained a written permit in accordance with the provisions of this article. Work which consists only of paving or repaving an existing driveway and which does not otherwise alter the driveway, curbing or sidewalk, does not require a driveway permit.

B. No person shall dig into or across curbing and/or sidewalk adjacent to the premises owned or occupied by him or adjacent to any other premises or cause the same to be done, nor shall any person remove, demolish or change the grade of any curbing adjacent to the premises owned or occupied by him or adjacent to any other premises or cause the same to be done, until the owner or occupant thereof shall have obtained a permit in accordance with the provisions of this article.

§ 97-2. Application for permit.

A. Applications for a permit under this article shall be made to the Highway Department in writing and shall contain the following information:.

(1) The full name and address of the applicant.

(2) The full name and address of the owner or owners of the property in front of which the operation is to be performed.

(3) The location by street address, if any, of the property in front of which the operation is to be performed and the Tax Map designation of the same.

(4) A statement of the proposed operation and the size thereof and purpose thereof.

(5) The date or dates when the proposed operation is to be commenced, and the date or dates when the operation is to be completed.

(6) The type of pavement or surface to be disturbed.

(7) A sketch of the proposed operation showing the proposed location of all driveway entrances and curb-cuts, and proposed grade of driveway.

(8) The estimated cost of the entire proposed operation.

(9) Any additional information which may be reasonably required by the Highway Superintendent.

B. A signed statement by the applicant that said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the City Code and other applicable statutes and ordinances of the City of Beacon.

§ 97-3. Inspection prior to permit issuance.

The Highway Superintendent or his authorized representative must inspect the site of the proposed driveway before any permit for construction of the driveway is issued. The Superintendent or his authorized representative shall be notified at least 48 hours in advance of beginning any driveway construction operations.

§ 97-4. Application fee and conditions of permit

A. The application for a driveway permit shall be accompanied by a fee as set forth in the City of Beacon fee schedule for each driveway permit.

B. A permit shall be obtained no less than one week before any work is performed.

C. Before issuance of a permit for the construction or alteration of a driveway, the applicant shall post with the Highway Superintendent a bond in an amount determined by the Highway Superintendent to be equal to the cost of the work proposed pursuant to this article, but in no event less than $500 for a new driveway or $150 for the alteration of an existing driveway.

D. When notified of its completion, the Highway Superintendent shall inspect said driveway to assure its completion in accordance with said permit to construct or alter. When the Highway Superintendent is satisfied that the conditions of said permit have been met, the Highway Superintendent shall issue a certificate of compliance. Upon issuance of the certificate of compliance, the Highways Superintendent shall certify the claim of the applicant for the return of the bond. It shall be unlawful to use such driveway for any purpose other than construction until a certificate of compliance has been issued.

E. No certificate of occupancy shall be issued by the Building Inspector if a driveway permit has been issued until such certificate of compliance is also issued.

F. Any such permit, when issued, shall be effective for such period of time, not to exceed 30 consecutive calendar days, as specified thereon. Such specified period of time may be extended for the completion of the work, if so requested in writing by the applicant prior to the expiration date thereof, for such additional period or periods of time authorized by the Highway Superintendent.

§ 97-5. Driveway and curbing specifications.

These specifications shall apply to the construction of new driveways and shall also apply to the reconstruction and/or paving of existing driveways, except that in the latter case the Highway Superintendent may waive certain requirements contained herein if he finds that extraordinary and unnecessary hardships may result from strict compliance with these specifications.

A. A driveway or access road serving private property and intersecting with a highway or street shall be constructed in such a manner that it does not interfere with the existing drainage, the movement of traffic or the removal of snow from the abutting highway or street.

B. The driveway shall be constructed in such a manner that it does not permit the runoff of water from the abutting highway or street to enter into the property of the owner or adjacent properties.

C. Developers and home builders shall design and construct all driveways within the limits of the right-of-way with sufficient sight distance (in both directions) and with a grade no more than one-half inch per foot from curb to the right-of-way line (see § 192-9B). The minimum width of the driveway pavement at the curb or street pavement line shall be 14 feet, tapering to a minimum of 10 feet at the right-of-way line. All driveways shall have a six-inch run-of-bank gravel foundation course from curb to right-of-way line and no less than three inches bituminous penetration macadam wearing course from curb or street pavement line to right-of-way line which shall be applied during or after the laying of the street pavement. (Section 192-9.F(1))

D. All driveways shall be graded so as to slope away from the City Street at one-half inch per foot (whether up or down). Grading shall be to the satisfaction of the Highway Superintendent and the City Engineer prior to the surfacing of such driveways. Where required by the Highway Superintendent, a culvert or drainage system shall be provided, with the pipe size and material to be as acceptable to the City Superintendent of Streets. Pipe size shall not be less than 15 inches in diameter, and shall have a minimum coverage of 12 inches over the pipe.(Section 192-9.F(2))

E. The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be 14%, except that, where it can be demonstrated to the satisfaction of the approving authority that, because of practical difficulty or unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required and further provided that in no case shall such driveway grade be permitted to exceed 17%. (Section 223-26.I(2)(a)).

F. The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 7%, except that the Highway Superintendent shall have the power to permit increased grades, provided that such grades in no case exceed 10%. (Section 223-26.I(2)(b)).

G. No driveway serving a single-family dwelling shall have a grade in excess of 4% within 35 feet of the center line of the traveled-way of the street or within 10 feet of the right-of-way line of the street, whichever distance is greater. (Section 223-26.I(2)(c)).

H. No driveway serving a use other than a single-family dwelling shall have a grade in excess of 3% within 50 feet of the center line of the traveled-way of the street or within 25 feet of the property line of the street, whichever distance is greater. The City Council may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated. (Section 223-26.I(2)(d)).

I. Driveway alignment and location. Any driveway entering onto a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, shall be aligned approximately at right angles to the street. (Section 223-26.I(3)).

J. Clear visibility shall be provided in both directions at all exit points in accordance with Section 192-9B, so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a

reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that the driver of an automobile traveling on the highway shall have a similar view of the automobile in the driveway.(Section 223-26.I(4))

§ 97-6. Indemnification of City.

The owner and owner's contractor shall hold the City, the Superintendent and their agents and employees harmless against any action for personal injury or property damage sustained by reason of the exercise of this permit.

§ 97-7. Penalties for offenses.

Any person, firm or corporation or his or its representative, agent or employee who shall violate any of the provisions of this article shall be punished by the imposition of a penalty as prescribed in § 1-3.

Section 2. Chapter 192, Section 9, Subsection F entitled "Driveways" is hereby deleted:

§ 192-9. Design Standards for new streets.

…

~~F. Driveways~~

~~(1) Developers and home builders shall design and construct all driveways within the limits of the right-of-way with sufficient sight distance (in both directions) and with a grade no more than one inch per foot from curb to the right-of-way line (see § 192-9B herein). The minimum width of the driveway pavement at the curb or street pavement line shall be 15 feet, tapering to a minimum of 10 feet at the right-of-way line. All driveways shall have a six-inch run-of-bank gravel foundation course from curb to right-of-way line and no less than three inches bituminous penetration macadam wearing course from curb or street pavement line to right-of-way line which shall be applied during or after the laying of the street pavement.~~

~~(2) All driveways shall be graded so as to slope away from the City Street at ½ inch per foot for a minimum of four feet. Grading shall be to the satisfaction of the City Superintendent of Streets and the City Engineer prior to the surfacing of such driveways. Where required by the City Superintendent of Streets, a culvert or drainage system shall be provided, with the pipe size and material to be as acceptable to the City Superintendent of Streets. Pipe size shall not be less than 15 inches in diameter, and shall have a minimum coverage of 12 inches over the pipe.~~

Section 3. Chapter 192, Section 22, Subsection A is hereby amended as follows:

§ 191-22. Sidewalks

A. On major, suburban and local streets, six-inch reveal Portland cement concrete curbs (detail in Appendix A of this chapter[1]) shall be constructed on both (reveal) sides of the street, prior to laying street pavement to the dimensions and specifications required. A compacted base course of six inches in thickness, free of stone over two inches in thickness, shall be laid under all curbing and sidewalks. A concrete mix of 3,500 psi after 28 days shall be used and shall be finished, ~~and~~ cured and sealed to the satisfaction of the City Superintendent of Streets and the City Engineer. The developer at his own expense shall replace any curbing that has settled, cracked, scaled or has become damaged in any way by the developer before and within the one-year maintenance period after dedication. Curb shall be depressed five inches at all driveways. Stone curbs may be substituted on approval of the City Superintendent of Streets and the City Engineer.

Section 4. Chapter 195, Article V, Section 24, Subsection H entitled "Driveways" is hereby amended as follows:

§ 195-24 Lots and driveways.

…

H. Driveways.

(1) All driveways shall be constructed in accordance with the provisions set forth in § 97-5.

(2) All driveways shall be graded to the satisfaction of the Street Superintendent and City Engineer prior to the surfacing of such driveways.

(3) The driveway surface shall be constructed of a dust-free surface material and shall be six inches in depth.

Section 5. Chapter 223, Article III, Section 26, Subsection I of the Code of the City of Beacon entitled "Driveways" is hereby amended as follows:

§ 223-26 Off-street parking, loading and vehicular access.

…

I. Driveways. For reasons of traffic and pedestrian safety, both on and off street, as well as to provide for possible future road widening or other improvements, all new

driveways and sidewalk crossings entering onto any street shall comply with all requirements of Chapter 97, "Driveways" ~~these regulations~~ and shall be subject to the approval of the Highway Superintendent ~~City Engineer~~, except where such are part of a use subject to special permit or site development plan approval, in accordance with §§ 223-18 and 223-25, in which case they shall be subject to the Planning Board and/or City Council.

~~(1) Driveway grades.~~

(a) ~~The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be 14%, except that, where it can be demonstrated to the satisfaction of the approving authority that, because of practical difficulty or unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required and further provided that in no case shall such driveway grade be permitted to exceed 17%.~~

(b) ~~The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 7%, except that the approving authority shall have the same power to permit increased grades here as in Subsection I(2)(a) above, provided that such grades in no case exceed 10%.~~

(c) ~~Notwithstanding the maximum permitted grades specified in Subsection I(2)(a), no driveway serving a single-family dwelling shall have a grade in excess of 4% within 35 feet of the center line of the traveled-way of the street or within 10 feet of the right-of-way line of the street, whichever distance is greater.~~

(d) ~~Notwithstanding the maximum permitted grades specified in Subsection I(2)(b), no driveway serving a use other than a single-family dwelling shall have a grade in excess of 3% within 50 feet of the center line of the traveled-way of the street or within 25 feet of the property line of the street, whichever distance is greater. The City Council may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated.~~

~~(2) Driveway alignment and location. Any driveway entering onto a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, as required by Subsection I(2) above, shall be aligned approximately at right angles to the street.~~

~~(3) Sight distance. Clear visibility shall be provided in both directions at all exit points in accordance with Section 192-9B, so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that the driver of an automobile traveling on the highway shall have a similar view of the automobile in the driveway.~~

Section 6. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapters 192, 195 and 223 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 7. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 8. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 9. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.