Chapter 110: STREETS AND SIDEWALKS

ARTICLE I Notification of Defects

§ 110-1. Prior notice of defective conditions required.

A. No civil action shall be maintained against the Village of South Blooming Grove for damages or injuries to person or property sustained by reason of any highway, traffic signal, sidewalk, bridge or culvert being defective, out of repair, unsafe, dangerous, or obstructed, unless:

(1) Written notice of such defective, unsafe, dangerous or obstructed conditions was received by the Village Clerk-Treasurer, Deputy Clerk or Mayor; and

(2) There was a failure or neglect within a reasonable time after giving of such notice to repair or remove the defect, danger or obstruction complained of.

B. No such actions shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or sidewalk unless:

(1) Written notice thereof specifying the particular place was actually received by the Village Clerk-Treasurer, Deputy Clerk or the Mayor of the Village; and

(2) There was a failure or neglect to cause such snow and ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 110-2. Transmission of written notices to Clerk-Treasurer.

The Mayor of the Village shall transmit in writing to the Village Clerk-Treasurer within 10 days after the receipt thereof all written notices received by the Mayor pursuant to § 110-1 of this article.

§ 110-3. Indexed record to be kept.

A. The Village Clerk-Treasurer shall keep an indexed record in a separate book of all written notices which said Clerk-Treasurer shall receive pursuant to such article of the existence of a defective, unsafe, dangerous, or obstructed condition in or upon, or of an accumulation of ice or snow upon, any Village highway, traffic signal, bridge, sidewalk or culvert, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received.

B. All reported incidents or notices pursuant to § 110-3 (A): The Village Clerk-Treasurer, Deputy Clerk or Village representative taking such report shall in addition, prepare a Village incident report and forwarded to the necessary department heads for action.

C. The records of each notice shall be preserved for a period of five years after the date it is received.

ARTICLE II Excavations

§ 110-4. Legislative intent.

The Board of Trustees of the Village of South Blooming Grove finds and declares it to be the public policy of the Village to regulate the opening or excavation of any public street, sidewalk or road for the protection of health, safety and welfare of the public and to prevent a public nuisance or public health hazard.

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§ 110-5. Permit required; fees.

A. No excavation or opening shall be made in any street, road or sidewalk in the Village of South Blooming Grove unless a permit is first obtained from the Village of South Blooming Grove for which a fee shall be paid by the applicant in accordance with the fee schedule adopted by the Board of Trustees. No work shall commence under such permit until approval has been obtained from the Village Clerk-Treasurer.

B. No permit shall be issued nor shall any excavation or opening be made in any street, road or sidewalk within a subdivision in which public improvements have been completed within five years prior to the date of the application for such permit unless the Board of Trustees, by resolution, approves the issuance of such permit based upon unusual circumstances. The Board of Trustees may impose whatever conditions it deems necessary in the granting of such permit.

C. In cases of emergencies the Mayor (or his designee) may authorize and / or approve excavation.

§ 110-6. Liability insurance required.

Public liability insurance protecting the Village against liability or all negligence and other acts of the applicant in such amounts and by such company or companies as may be approved by the Village Attorney must be obtained and filed with the Village before any work shall commence under any permit issued pursuant to the provisions of this article. Such insurance shall remain in full force and effect for a period of at least one year after completion of the work to be performed and shall hold the Village harmless against any claim for damages for said period of time.

§ 110-7. Rules and regulations governing work.

A. All excavations, openings or closings of streets, ramps, sidewalks and roads shall be made in accordance with rules and regulations adopted by the Board of Trustees and on file in the Village offices, a copy of which shall be attached to the permit.

B. The following regulations shall apply:

(1) Saw cut pavement, sides of excavation to be vertical with a maximum width of two feet on each side of pipe or conduit.

(2) All work shall be preformed in conformance with the appropriate safety regulations and standards set by OSHA.

(3) No blasting will be permitted.

(4) All applications for permits shall be accompanied by plans, which shall be complete, and of sufficient clarity to indicate the nature and extent of the work to be performed.

(5) The Building Inspector and / or Village Engineer for repair work or temporary work can waive the provision for plans.

§ 110-8. Barricades.

A. All excavations must be properly barricaded and protected by suitable lights in accordance with the regulations of the Village, including this provision of:

(1) Provide street plates over trenches where required by the Building Inspector and / or Village Engineer.

§ 110-9. Excavations to be filled, covered upon completion of work.

A. Upon completion of the work all excavations shall be filled and covered as soon as practicable in accordance with the rules and regulations governing the work.

B. The following regulations shall apply:

(1) Materials for fill shall consist of sand, gravel, crushed stone, crushed gravel or a mixture of these, and shall contain no organic matter.

(2) The fill shall contain no particles exceeding four inches in the largest dimension.

(3) Fill shall be placed and compacted at its optimum moisture content, in uniform layers not more than 12 inches thick (after compacting) and each layer shall be thoroughly compacted to a density not less than 95% of its maximum density possible by means of artificial compaction.

(4) The field density shall be verified by in-place density test made on each lift by an approved testing laboratory employed by the applicant.

(5) Fill shall not be placed when frozen or placed on a frozen or wet subgrade.

(6) Upon completion of the backfill, a temporary pavement shall be provided for a period of 60 days and in no event more than 120 days.

(7) The applicant shall maintain this temporary pavement until the permanent pavement is installed.

(8) The permanent pavement is to be installed in accordance with the specifications of the Village of South Blooming Grove.

(9) All of the above are subject to approval by the Building Inspector and / or Village Engineer of the Village of South Blooming Grove.

§ 110-10. Liability for failure to comply.

Failure to comply with the provisions of this article shall render the contractor, the workmen who made the excavation, the owners in front of whose premises the excavation is made, the tenant or other person who ordered the same or received the benefit thereof, liable for all damages sustained.

§ 110-11. Excavations by public utilities.

Anything herein contained to the contrary notwithstanding, where an excavation in a street, road or sidewalk is sought to be made or on behalf of a franchised public utility company, then and in that event, the following shall apply:

A. The utility shall apply for a permit from the Village of South Blooming Grove for each excavation to be made. No permit shall be issued for any excavation or opening in any street, road or sidewalk within a subdivision in which public improvements have been completed within five years prior to the date of the application for such permit except in accordance with § 110-5B of this article.

B. The fee to be paid for each permit shall be set forth in the fee schedule adopted by the Board of Trustees. In addition, the company shall post a letter of credit annually in amounts to be determined by the Board of Trustees and shall file with the Village Clerk-Treasurer proof of insurance coverage in such amounts as determined by the Board of Trustees.

C. All excavations, openings and closings of streets, roads or sidewalks shall be made in accordance with rules and regulations adopted by the Board of Trustees, in addition to § 110-8 and Subsection B of § 110-5, § 110-7 and §110-9 of this article.

D. In the event an emergency requires an excavation at such time or times when the Village offices shall be closed, the applicant shall notify the Police Department of the proposed excavation and the next day the applicant shall make proper application for a permit in the same manner as if there had been no emergency.

E. A representative of the Village and / or Village Engineer may be required to ensure compliance. The Utility company shall reimburse all related costs to the Village.

§ 110-12. Penalties for offenses.

A. Any person who shall refuse or neglect to comply with any provision of this article shall be guilty of a violation. Each and every violation of this article shall be punishable by a fine not to exceed $5,000 or a sentence of imprisonment not to exceed 15 days, or both. Each day's continued violation shall constitute a separate violation.

B. In addition to all other remedies provided for herein, the Board of Trustees may also enforce obedience to this article by injunction or by any other remedy available to it by virtue of the judicial process.

§ 110-13. Enforcement.

The Mayor, Building Inspector and/or Code Enforcement Officer serving the Village of South Blooming Grove shall have the authority to issue appearance tickets for violations of this article.

§ 110-14. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

§ 110-15 Supersession of other laws.

This article supersedes, and is in derogation of, Chapter 204 of the Code of the Town of Blooming Grove, County of Orange, State of New York.

§ 110-16. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 110-17. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 110-18. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

ARTICLE III Sidewalk Cleaning

§ 110-19. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the maintenance and cleaning of all sidewalks within the Village. The Village Board of Trustees finds and declares it to be in the public's interest to regulate the proper maintenance and cleaning of all sidewalks for the protection of health, safety and welfare of the public and to prevent a public nuisance or public health hazards.

§ 110-20. Sidewalks to be kept clean and unobstructed.

After the enactment of this article, the owner and occupant of premises abutting on any street where a sidewalk has been laid is hereby required to keep the sidewalk in front of said premises free and clear from snow, ice, dirt and other obstruction.

§ 110-21. Time limit for cleaning and removal; alternate remedy.

Such cleaning must take place within 12 hours from the time the snow, ice, dirt or other obstruction falls or is placed upon such sidewalk. When the ice or snow cannot be so removed by reason of physical conditions, it shall be covered or sprinkled with sand, ashes or other suitable material.

§ 110-22. Removal by Village; recovery of cost.

In the event of the failure of the owner and occupant of said premises to clean said sidewalk and remove the snow, ice, dirt or other obstruction therefrom within the time above provided for, the Village Board may remove the same and charge the expense thereof to the owners of such premises. Said charge shall become a lien upon the premises benefited thereby until paid and, in addition thereto, the owner and occupant of said premises shall be personally liable for the payment thereof.

§ 110-23. Penalties for offenses.

A. Any person who shall refuse or neglect to comply with any provision of this article shall be guilty of a violation. Each and every violation of this article shall be punishable by a fine not to exceed $75. Each day's continued violation shall constitute a separate violation.

B. In addition to all other remedies provided for herein, the Board of Trustees may also enforce obedience to this article by injunction or by any other remedy available to it by virtue of the judicial process.

§ 110-24. Enforcement.

The Building Inspector and/or Code Enforcement Officer serving the Village of South Blooming Grove shall have the authority to issue appearance tickets for violations of this article.

§ 110-25. Supersession of other laws;

This article supersedes, and is in derogation of, Chapter 204 of the Code of the Town of Blooming Grove, County of Orange, State of New York.

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§ 110-26. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

§ 110-27. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 110-28. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

ARTICLE IV Sidewalk Construction

§ 110-29. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the construction of all new sidewalks within the Village. The Village Board of Trustees finds and declares it to be in the public's interest to regulate the proper construction of all new sidewalks for the protection of health, safety and welfare of the public.

§ 110-30. Responsibility of owner to construct or replace.

All new sidewalks constructed within the Village of South Blooming Grove shall be constructed by the owner of the adjoining property at the expense of said owner. Any replacement of an existing sidewalk shall be considered new sidewalk construction to which the terms of this article shall apply. This article shall not apply to walkways or pass-through walks which do not run along highways but which lead from one highway to another.

§ 110-31. Permit.

No such sidewalk shall be constructed or work commenced thereon until the owner of said premises shall have obtained a permit for such sidewalk and has paid all related fees and escrow amounts. Applications for such permit shall be in writing to the Village Clerk-Treasurer in such form as may be required by the Board of Trustees. The Village Clerk-Treasurer shall issue such permit over his/her signature, when the Village Engineer and / or Building Inspector serving the Village approves thereof and endorses the permit. Said permit shall be valid for 90 days from the date of final approval.

§ 110-32. Sidewalk specifications.

Sidewalks shall be constructed in accordance with street and highway construction regulations of the State of New York and approved by the Board of Trustees.

§ 110-33. Notice of work to be done; inspection.

Notice of the work to be done 24 hours in advance thereof and upon the completion of the new sidewalks must be submitted to the Village Engineer and / or Building Inspector serving the Village, who may then inspect the completed work, which shall comply with all the specifications

contained or referred to herein. The Village Engineer and / or Building Inspector serving the Village must be given an opportunity to inspect during the different phases of the work. All costs related to said inspections shall become a charge against the owner and / or developer at a rate set from time to time by the Village board and published in the Village's schedule of "fees".

§ 110-34. Construction of sidewalks upon direction of Village.

The Board of Trustees may, by resolution, require the construction of sidewalks by owners of property adjoining property along which sidewalks are already constructed. If such owner shall not construct such sidewalk as required by the notice, the Board of Trustees may cause the same to be constructed and assess the cost thereof on such adjoining land. All work done by the owners shall be done in accordance with the specifications made for sidewalk construction. All assessments shall be made and collected and taxes levied as provided by law.

§ 110-35. Penalties for offenses.

A. Any person who shall refuse or neglect to comply with any provision of this article shall be guilty of a violation. Each and every violation of this article shall be punishable by a fine not to exceed $475. Each day's continued violation shall constitute a separate violation.
B. In addition to all other remedies provided for herein, the Board of Trustees may also enforce obedience to this article by injunction or by any other remedy available to it by virtue of the judicial process.

§ 110-36. Enforcement.

The Building Inspector and/or Code Enforcement Officer serving the Village of South Blooming Grove shall have the authority to issue appearance tickets for violations of this article.

§ 110-37. Supersession of other laws;

This article supersedes, and is in derogation of, Chapter 204 of the Code of the Town of Blooming Grove, County of Orange, State of New York.

§ 110-38. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

§ 110-39. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 110-40. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

ARTICLE V Sidewalk Obstructions and Encroachments

§ 110-41. Legislative intent.

The Village Board of the Village of South Blooming Grove hereby finds that crosswalk and sidewalk obstructions such as shrubbery, hedges, trees; vegetation, rock walls, any stones, logs, timbers, boxes, casks, planks, boards or other articles presenting an obstacle or obstruction, which creates an hazard by interfering with the safe passage of pedestrians. It is the aim of the Village Board to reduce such hazards caused by the above and similar objects, which are responsible for causing personal injury and fatalities due to vehicular accidents.

§ 110-42. Obstructions to safe passage of pedestrians.

No person shall place or cause to be placed on any sidewalk or crosswalk in the Village of South Blooming Grove, or within 18 inches of the street line, any stones, logs, timbers, boxes, casks, planks, boards or other articles presenting an obstacle or obstruction which may limit or prohibit the safe passage of pedestrians.

§ 110-43. Building material obstructions.

No person shall place or cause to be placed, or suffer to remain when so placed, any stones, brick, lumber or other building material for building in or upon any street or public place in the Village of South Blooming Grove.

§ 110-44. Erection of booths and stands.

No person shall, without the permission of the Mayor and / or Board of Trustees of the Village of South Blooming Grove, erect or establish upon or within any street or public ground in said Village any booth or stand for the purpose of selling or exposing for sale any goods, wares or merchandise.

§ 110-45. Moving of buildings.

No person shall move or cause to be moved any building across or along any street or streets within the Village of South Blooming Grove without permission of the Mayor and / or Board of Trustees of said Village, nor shall any person suffer such building to remain in the public streets of said Village for a longer period than two days without such permission.

§ 110-46. Signs, awnings and other projecting objects.

No awning, awning post, sign, signpost or other fixture shall hereafter be placed or erected across or in any of the streets of the Village of South Blooming Grove so as to project wholly or partly over any of the sidewalks or streets herein, or be placed in proximity thereto, by the owner, lessee or occupant of any store or building; nor shall any person place or cause to be placed, hung or suspended over any of the sidewalks or streets of said Village any goods, wares, merchandise or other things for sale or exhibition; but nothing herein contained shall prevent the erection of awnings of cloth upon iron frames, so constructed and attached to the buildings as to be self-supporting, provided that such awning in the lowest parts shall be at least eight feet six inches above the sidewalk; and nothing herein contained shall apply to wooden or iron awnings nor to signs conforming to the provisions of the Zoning Code of the Village of South Blooming Grove.

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§ 110-47. Posting of advertising matter.

No person shall stick, tack, paste, nail or in any way affix bills, advertisements or advertising matter of any kind to the sidewalks; abutments; telegraph, electric, telephone or cable television poles; shade trees; public grounds; or buildings in said Village of South Blooming Grove.

§ 110-48. Utility wires and poles.

No person or persons, corporation or association shall hereafter string or set any telegraph, telephone, electric, cable television or other wires, or place or set any poles for stringing the same, within the streets of the Village of South Blooming Grove unless such person or persons, corporation or association shall first obtain a permit so to do from the Board of Trustees of said Village, and in case of such permit, such pole or poles shall be set and such wires shall be strung under the direction of the Village Engineer and / or Building Inspector serving the Village.

§ 110-49. Merchandise and goods on sidewalks.

No person shall place or cause to be placed on any sidewalk in the Village of South Blooming Grove any box, showcase, goods, wares or merchandise or other article, except as may be necessary in transporting such articles across the sidewalk or for show purposes or purposes of sale in front of stores and places of business, and then the said goods, wares and merchandise shall be exposed next adjoining the outward wall of said store occupied by the person making such exhibit and within three feet thereof. But nothing contained in this section shall prohibit the placing of goods, merchandise, household furniture or other commodities upon the sidewalk for the purpose of loading or unloading such articles where they do not obstruct free passage thereon, provided that such articles are removed without any unreasonable delay.

§ 110-50. Penalties for offenses.

A. Any person who shall refuse or neglect to comply with any provision of this article shall be guilty of a violation. Each and every violation of this article shall be punishable by a fine not to exceed $175. Each day's continued violation shall constitute a separate violation.

B. In addition to all other remedies provided for herein, the Board of Trustees may also enforce obedience to this article by injunction or by any other remedy available to it by virtue of the judicial process.

§ 110-51. Enforcement.

The Building Inspector and/or Code Enforcement Officer serving the Village of South Blooming Grove shall have the authority to issue appearance tickets for violations of this article.

§ 110-52. Supersession of other laws;

This article supersedes, and is in derogation of, Chapter 204 of the Code of the Town of Blooming Grove, County of Orange, State of New York.

§ 110-53. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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§ 110-54. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 110-55. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

ARTICLE VI Visual Road Obstructions

§ 110-56. Legislative intent.

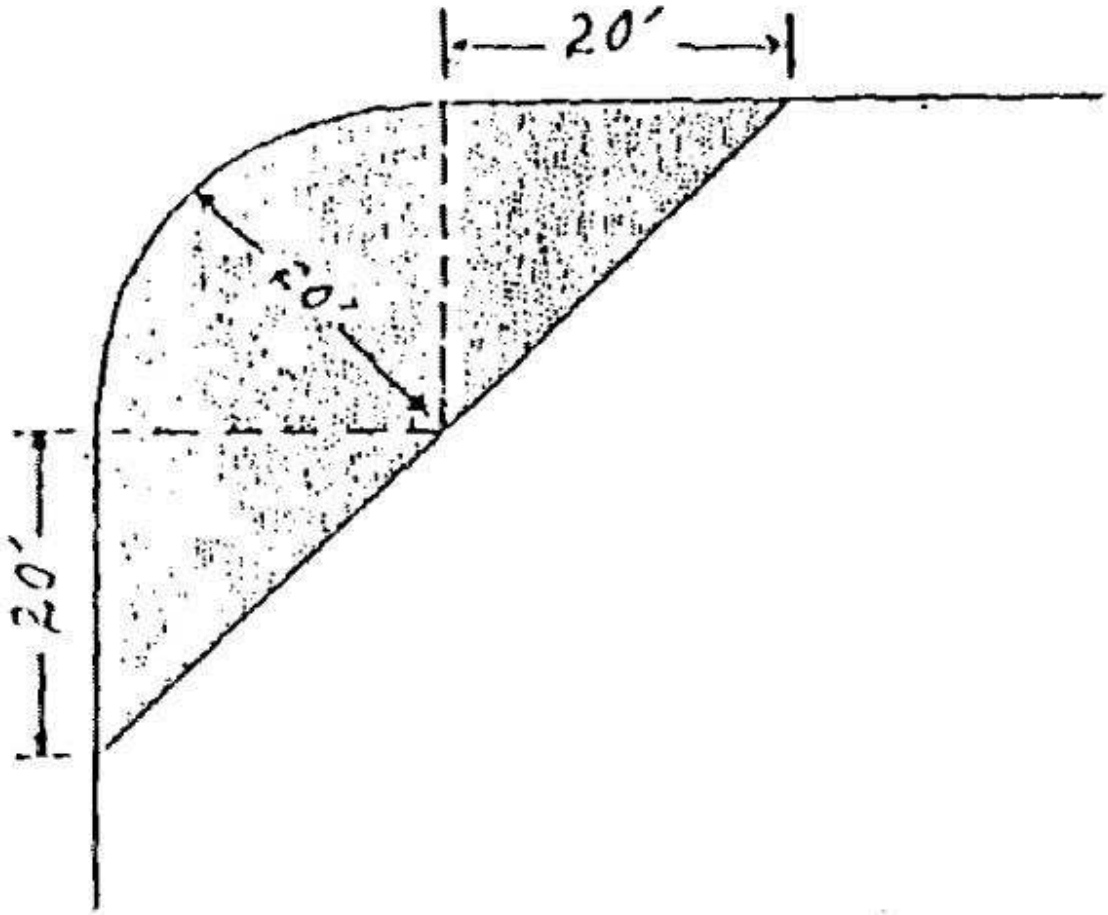
The Village Board of the Village of South Blooming Grove hereby finds that road obstruction such as shrubbery, hedges, trees; vegetation, rock walls and fences create highway hazards by interfering with vision and proper sight distance at corners and intersections. It is the aim of the Village Board to reduce such road hazards caused by the above and similar objects, which are responsible for causing property damage, personal injury and fatalities due to vehicular accidents.

§ 110-57. Application.

This article shall apply only in the Village of South Blooming Grove.

§ 110-58. Scope.

No shrubbery, hedge or other natural growth, or fence (except a transparent fence such as chicken wire, in which the solid area is not more than 5% of the total area of the fence) or wall over three feet higher than the apex at the center line or the street shall be located within the triangular area shown shaded in Sketch A at the intersection of two roads:



Sketch A

Nor shall the limbs or foliage on any tree obstruct vision or be permitted to grow nearer to the ground than eight feet where such limbs or foliage overhang or are over or upon land within the triangular area as shown in Sketch A.

§ 110-59. Enforcement.

This article shall be administered and enforced by the person or officer employed or contracted by the Village of South Blooming Grove whose responsibilities include maintenance of streets, roads and highways (hereinafter "Enforcement Officer") with the assistance of the Police Department serving the Village of South Blooming Grove.

A. Upon the determination of the Enforcement Officer that a violation exists, pursuant to the provisions of § 110-58 hereof, it shall send a written notice specifying the violations and requiring compliance within 10 days thereafter. Such notice shall be served upon a person of suitable discretion in charge of the subject premises and by mailing a copy thereof addressed to the owner of record of such land if he be other than the person served at the address shown on the last preceding assessment roll. If said land is vacant and there is no one available to be served on said property, then a certified mailing of such violation notice to the owner of record shall be sufficient.

B. In the event the notice specified in Subsection A of this section is not complied with after a period of 10 days from date of service, then the Police Department serving the Village of South Blooming Grove shall issue a summons to be signed by a Justice of the Justice Court with jurisdiction, or by a Judge of the County Court in Orange County Supreme Court upon

the filing of an information alleging the violation herein.

C. In addition to any other penalty provided under the law for noncompliance, the Village Board may, in its legislative discretion, authorize the removal of the visual obstruction.

D. The owner or occupant of the premises or by the person who caused or maintained such obstruction shall pay the expenses incurred by the Village of South Blooming Grove, pursuant to Subsection C of this section. The person or company removing said obstruction shall file with the Village Clerk-Treasurer an affidavit stating with fairness and accuracy the items of expense incurred in removing said obstruction. The Village Board may institute a suit to recover such expenses against any person liable for such expenses, or may cause such expenses to be charged against the property as a lien.

E. To effectuate the purpose and objectives of this article, the Police Department serving the Village of South Blooming Grove shall cooperate with and assist the Enforcement Officer as above set forth and otherwise as may seem proper or required in the circumstances.

§ 110-60. Penalties for offenses.

Any violation by a person, firm or corporation of this article shall be deemed an offense punishable by a fine not to exceed $1,500 or imprisonment for a period not to exceed one year, or both.

§ 110-61. Supersession of other laws;

This article supersedes, and is in derogation of, Chapter 204 of the Code of the Town of Blooming Grove, County of Orange, State of New York.

§ 110-62. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

§ 110-63. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 110-64. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

ARTICLE VII Driveways

§ 110-65. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the construction of all new driveways that intersect with all Village roadways within the Village. The Village Board of Trustees finds and declares it to be in the public's interest to regulate the proper construction, location, design, and specifications of all streets and driveways, which intersect with or otherwise enter, exit or cross a Village highway and to regulate all work performed within the Village highway right-of-way for the protection of health, safety and welfare of the public.

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§ 110-66. Permit required; expiration of permit.

No person, firm or corporation shall cut, construct or locate any street or driveway entrance or exit onto a roadway / highway of the Village of South Blooming Grove without having first received a permit to do so from the Village Clerk-Treasurer, such permit to expire in six months if work is not completed.

§ 110-67. Application for permit; standard and special requirements.

A. Any person, firm or corporation desiring to make, construct or locate a street or driveway entrance or exit into a roadway / highway of the Village of South Blooming Grove shall make an application for a permit to do so to the Village Clerk-Treasurer and pay a fee as set by resolution of the Village Board. All applications shall be made in the name of the property owner seeking to have the work done and of the contractor performing the work.

B. In addition to the general standard street and driveway entrance and exit requirements, including sight clearance requirements, set forth herein below, the person or officer employed or contracted by the Village of South Blooming Grove whose responsibilities include maintenance of streets, roads and highways and / or Village Engineer may impose any special requirements, in his/her judgment under the circumstances, to address a particular situation at the location where such street or driveway is sought to be located.

C. All applicant's building lot or building unit shall be entirely located within the Village boarders for any permit to be issued granting access to any Village roadway / highway easement or right-of-way.

§ 110-68. Driveway entrance and exit crossing requirements.

The standard driveway entrance and exit crossing requirements shall be as follows:

A. The applicant shall furnish all materials and bear all costs of construction and restoration within the Village roadway / highway right-of-way and pay all costs of work done and materials furnished as required to meet the conditions of any permit issued by the Village Clerk-Treasurer.

B. No alteration or addition shall be made to any driveway, except for surfacing or resurfacing any driveway heretofore or hereafter constructed, nor shall any driveway be relocated without first securing a permit from the Village Clerk-Treasurer. Under any such circumstances, full compliance with this article shall be required.

C. The maximum width for a driveway entrance or exit shall be not more than 12 feet for residential use, measured at the property line.

D. The horizontal angle of the driveway with respect to the pavement of the roadway shall be not less than 50°.

E. No driveway shall be permitted within 75 feet of any public highway intersection, unless the applicant demonstrates a hardship to the Village Engineer.

F. Whenever deemed necessary by the Village Engineer, a driveway culvert of a type and size determined by the Village Engineer shall be furnished and installed by the applicant.

G. The elevation of the top of any curbs will be depressed four inches at driveway locations.

H. The first 12 feet of driveway surface entering upon a Village roadway / highway shall be paved with an asphalt or concrete surface and graded so as to prevent the washing of materials on to the roadway. The minimum hot mixed asphalt or concrete thickness shall be no less than 3 inches in the Village right-of-way for all driveways.

I. Wherever possible, as determined by the Village Engineer, a negative grade below the highway of at least 2% shall be established for at least the first 15 feet measured along the

driveway from the highway line.

J. No driveway grade shall exceed 10% for a distance of at least 50 feet measured along the driveway from the highway line. At no other point, however, shall the grade of any driveway exceed 15%.

K. When any portion of a driveway grade exceeds 10% in the limited manner permitted in Subsection J, a driveway turnaround suitable for automobile use and having a grade not in excess of 5% shall be provided.

L. Upon satisfactory completion of all work and inspection by the Village Engineer, said Village Engineer will so state on the permit and sign the same to this effect.

M. Upon issuance of any permit by the Village Clerk-Treasurer, the permittee shall post the same or true copy thereof upon the premises where any driveway is being constructed, during the performance of work.

N. The Village roadway / highway right-of-way shall be restored by the applicant to its condition prior to commencement of work, as determined and approved by the Village Engineer.

O. Each application shall be accompanied by a cash deposit of $500 or such higher amount as the Village Board of Trustees deems adequate to secure the cost of restoring any road area disturbed to a condition that meets the approval of the Village Engineer; and by a separate cash deposit to cover inspection fees in an amount of 20% of the required security deposit / Bonded amount. Notwithstanding the amount of the security deposit / Bonded amount, the applicant shall be responsible for the full cost of restoration. All unused security deposits and inspection fees shall be returned to the applicant upon final approval.

P. Each application shall be accompanied by a certificate of insurance, in a form approved by the Village Attorney, and issued by an insurance company authorized to do business in the State of New York, naming the Village of South Blooming Grove as an insured and certifying that the applicant has obtained public liability coverage of not less than $300,000/$500,000 and property damage insurance of $100,000/$300,000, and shall include a provision that said coverage cannot be canceled or fail to be renewed without 10 days' prior written notice to the Village. In addition, the applicant agrees as a condition of the permit to hold the Village harmless from all claims, damages, injuries, costs, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any act or omission of the person to whom the permit is issued or by anyone acting thereunder on his behalf.

§ 110-69. Penalties for offenses; additional remedies.

A. Any person, firm or corporation who violates the provisions of this article shall be guilty of an offense, punishable by a fine of not more than $450 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

B. In addition to the above provided penalty and punishment for violations of this article, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with and/or to restrain by injunction any violation of this article.

C. In addition to and not in lieu of the above, in the event that any applicant, person, firm or corporation fails to comply with the terms of this article or rules or regulations promulgated hereunder with respect to the location or construction of any street or driveway or fails to properly restore the Village roadway / highway right-of-way upon completion of work, the Village may, upon due notice, correct the work and/or restore the disturbed right-of-way at the cost and expense of the applicant and/or property owner. The total cost of work performed by the Village, its employees, agents or contractors, including reasonable engineering and attorney's fees, shall be billed to the applicant and/or property owner and, if not paid within 30 days, said cost shall be a lien on the property and shall be levied, assessed and collected in the same manner as real property taxes.

Chapter 110: STREETS AND SIDEWALKS

§ 110-70. Enforcement.

The Building Inspector and/or Code Enforcement Officer serving the Village of South Blooming Grove, with the assistance of the Village Engineer, shall have the authority to issue appearance tickets for violations of this article.

§ 110-71. Supersession of other laws;

This article supersedes, and is in derogation of, Chapter 204 of the Code of the Town of Blooming Grove, County of Orange, State of New York.

§ 110-72. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

§ 110-73. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 110-74. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

ARTICLE IIX Private Roads Street Specifications

§ 110-75. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the construction of all new private roadways that intersect with all Village roadways / highways within the Village. The Village Board of Trustees finds and declares it to be in the public's interest to regulate the proper construction, location, design, and specifications of all new private roadways, which intersect with or otherwise enter, exit or cross a Village roadway / highway within the Village. The Village Board has determined that further regulation is necessary to ensure the protection of health, safety and welfare of the public and property. This Article will establish minimum acceptable standards of street construction for private roads within the Village of South Blooming Grove and also establishes when those standards or stricter standards apply. These minimum standards must be met and paid for by the person proposing subdivisions or other developments utilizing private roads. The specifications set forth in these standards include, but are not limited to, width, profile, drainage and construction of the sub-base and pavement. In instances where the Village may desire to allow a private roadway, it is the Village Board's desire that these roadways specification emulate Village roadway specifications in all regards. These standards that are set forth will provide a level of confidence that if / when the Village needs to assume ownership of the road network it would be of a municipal quality.

§ 110-76. Purpose; applicability.

The limitations on construction of private roads imposed herein specifically do not apply to mapped, private roads in subdivisions which have been finally approved by the Village of South Blooming Grove Planning Board and for which the final map has been filed in the office of the

Orange County Clerk prior to the adoption of this Article. Any extension of a previously constructed private road designed to serve additional lots not shown on a filed subdivision map shall be constructed in accordance with the standards set forth in this Article.

§ 110-77. Preparation and submission of street plans.

A. A plan of the proposed street shall be prepared by a professional engineer and / or exempt land surveyor licensed by the State of New York. The plan shall clearly define the limits of the proposed right-of-way by metes and bounds and shall include the location, profile and typical cross section of the proposed roadway. Storm drainage, including culverts, drainage structures and all drainage and utility easements, shall also be shown on the plan. The plan shall also indicate the owner of the property and the name of the developer, if other than the owner. The plan shall be submitted to the Village Planning Board for review and approval with the subdivision in accordance with the applicable subdivision regulations of the Village. All plans must conform to all Storm Water laws and requirements set forth by local and states statues

B. Such roadway must not be subject to any right or easement of others, which will in any way interfere with its use as a road at all times.

C. The proposed roadway must be constructed to conform to the minimum requirements and standards set forth below. The minimum width to be cleared shall be as required to construct the road section and shall include trees, rock formations, buildings, walls and any such things that would endanger those using such roadway. The removal of such obstructions shall be the responsibility of the applicant.

§ 110-78. Alteration of approved plans.

Plans submitted shall not be altered or amended after having been approved by the Village Planning Board unless amended plans are submitted and approved. However, the applicant, at his own expense, shall provide additional storm drainage facilities or utilities as may be ordered by the Village Engineer and/or Village Planning Board if, during the course of construction, the Village Engineer and/or Village Planning Board or any other agency with proper authority deems that additional structures or facilities are necessary to prevent any need for future installations of utilities or culverts within the pavement area so as to assure the durability of the pavement, the future maintenance of the right-of-way or the welfare and safety of the public.

§ 110-79. Classification of streets; applicability of standards.

A. **Common driveway**. A common driveway is permitted to serve no more than two (2) dwelling units, of which each half of the right-of-way is in the same ownership as each dwelling unit. A common driveway is not bound by these private road specifications unless its configuration will allow it to possibly serve other lands, in which case a fifty-foot-wide right-of-way must be provided.

B. **Private road.**

(1) A private road shall be permitted to be constructed in the Residential Zoning Districts and/or other Zoning Districts that the Village Board so shall allow. Proposed private roads may serve any residential subdivision in the Village, provided that construction is in accordance with the standards set forth in this Article. Private roads may be permitted to be constructed as part of site development plans, including but not limited to condominiums, town homes, adult or senior communities, in any zoning district, but the roads must conform to the minimum requirements and standards set forth herein in accordance with plans approved by the Village Planning Board. The Planning Board may use its discretion to impose stricter requirements as part of its subdivision or site

plan approval. The extension of existing private roads serving commercial properties shall not be permitted without improvement of the existing road to the standards required for acceptance of dedication of a road as a Village roadways / highways.

(2) Nothing contained herein shall be construed to limit the Village's discretion to accept or reject an offer of dedication of a proposed Village roadway / highway. The provisions of this section are intended to supersede and amend § 276, § 277, § 278 and § 280-a of the Village Law of the State of New York, as hereinafter amended.

§ 110-80. Right-of-way requirements.

The area of the right-of-way for any private road shall be separate and distinct from the lots that are being served and shall not be included as part of any lot area for purposes of computation of minimum area and dimensions required for zoning, building permit or other regulatory purpose. (See the definition of "lot area" in the Village's Zoning Code.) However, ownership of that portion of the proposed private road right-of-way that fronts any particular lot shall be in the name of an incorporated homeowners associations or other such structured association to ensure that all privately held roadways are properly maintained.

§ 110-81. Construction specifications.

A. General and more detailed specifications follow for design and construction; will be maintained by the Village Engineer, which is applicable to all private roads.

B. The applicant shall design and construct private roads, which shall conform to both the general and detailed specifications.

§ 110-82. Easements.

Where surface water from private roads must lead through other than gutters and storm drains or existing stream channels outside the right-of-way, permanent drainage easements having a minimum width of twenty (20) feet shall be provided to a point where an existing drainage course exists. In some cases, this may include easements over property outside the boundaries of the subdivision involved. Natural stream or ditch channels shall have permanent easements a minimum of twenty (20) feet wide and shall be shown on the proposed plans of subdivision.

§ 110-83. Dead ends.

All private roads that have no outlet shall be provided with cul-de-sac with a right-of-way diameter of one hundred (100) feet and a pavement diameter of (50) fifty feet. This requirement may be modified by formal resolution of the Planning Board if it finds that compliance would cause unusual hardship or difficulties, provided that the alternative turnaround is acceptable to the Village Engineer, the public interest is protected and such requirements are imposed by the Planning Board as will, in its judgment, substantially secure the objectives of this standard to protect the health and safety of the public.

§ 110-84. Clearing and grubbing.

A. The applicant shall clear the entire area within the limits of:

(1) The tops of cuts and toes of fills.

(2) Stream channels and ditches.

B. The applicant will obtain all necessary permits from the Village, the New York State Department of Environmental Conservation, New York Department of Transportation (if required) and any other involved agency prior to performing any of this work.

C. All stumps, roots, walls, building foundations and other obstructions shall be excavated and removed from the above areas.

§ 110-85. Excavations and embankments.

A. The developer shall complete the shaping of the road clearance area, streams and ditches and easement areas to the line and grade as shown on the approved plans. During the course of road construction, all topsoil, loam, rocks and organic material shall be removed until a satisfactory sub-grade is established. The developer shall provide temporary soil erosion and water pollution control, as required by applicable Storm Water Management laws, rule or regulation or as is required for the establishment of turf, until the work is complete and turf has been established. In fills of less than three (3) feet, all topsoil shall be excavated and removed. All fills shall be made with material acceptable to the Village Engineer. Such fills shall be made in layers of not more than twelve (12) inches each and properly compacted with a ten-ton vibratory roller, or equivalent, to obtain a minimum density of ninety percent (90%) as compared to the standard proctor.

B. The sub-grade shall be shaped to the line and grade with no depressions. The sub-grade shall be stable in all respects to the satisfaction of the Village Engineer.

§ 110-86. Foundation course.

A. After the rough grade and all the curbs have been constructed to the satisfaction of the Village Engineer, the developer shall furnish and place a foundation course of approved run-of-bank gravel, crusher run stone or crusher run gravel to the minimum depth of eight (8) inches. All materials acceptable for this course shall be hard, durable and sound and shall be well graded from coarse to fine, the maximum diameter of the large particles not exceeding three (3) inches, with not more than seventy percent (70%) by weight passing the No. 40 mesh sieve and not more than ten percent (10%) by weight passing the No. 200 sieve. A certified analysis of granular material will be filed with the Village Engineer.

B. The Materials shall be placed on the finished sub-grade by means of mechanical spreaders and shall be thoroughly compacted by rolling with self-propelled ten-ton roller. Water shall be added to the materials in such amounts as the Village Engineer may consider necessary for proper compaction. After compaction, the course shall be true to grade and cross sections, and any depressions shall be eliminated by use of additional granular materials, thoroughly rolled in place. In all cases, the foundation course must be so thoroughly compacted that it will no weave. The Village Engineer or his designee shall inspect and accept the condition of the sub-base prior to paving.

§ 110-87. Drainage.

A. The drainage system and culverts shall be designed in accordance with established engineering principles. Plans for any drainage structure, including but not limited to pipe culverts, existing or proposed, shall be submitted in detail to the Village Engineer for approval. The minimum grade of any drainage pipe or culvert shall not be less than one percent (1%). The approved plans shall show the invert elevation of the inlet and outlet and the top of grate elevations at all drainage structures. Any deviation from the approved plans shall only be on approval of the Village Planning Board in writing. No culvert pipe shall be less than eighteen (18) inches in diameter, except for pipes under driveways in the ditch line, which may be a minimum of fifteen (15) inches in diameter.

B. All drainage structures shall be of a size sufficient to carry natural water runoff and storm water and also that which may be reasonably anticipated from future construction both from within the subdivision and from adjoining properties, which normally drain across the area of the proposed subdivision. Additional or larger culverts and drainage structures shall be installed and paid for by the applicant.

§ 110-88. Groundwater.

If it is necessary to intercept and carry away groundwater within the limits of the right-of-way to protect the stability of the roadbed, under drain shall be installed in accordance with standard engineering principles. Perforated pipe having a minimum diameter of four (4) inches encased in six (6) inches of three-fourths-inch clean crushed stone or crushed gravel on all sides of the pipe shall be used for such purpose in an amount deemed necessary for such purpose. Groundwater controls will be installed along the edge of all roadways unless the Village Planning Board, based on site conditions during construction, specifically waives the requirement.

§ 110-89. House drains.

Roof and cellar drains may discharge onto the surface of the property if otherwise permitted by applicable law and regulation but not onto the street right-of-way. With the approval of the Village Engineer, in writing, these drains may be piped to existing storm water pipe drains, if any, to which they will be connected on top only. Such drains must be installed prior to the installation of the sub-base. Drains from sanitary sewers or septic tanks will not be permitted to flow into road ditches or storm drains under any circumstances.

§ 110-90. Intersections.

A. All intersections with existing public roads shall be constructed at right angles or as near as possible to right angles, as determined by the Planning Board. Sight distance, edge of pavement radii and other applicable design characteristics for intersections are to be determined based on the criteria set forth in the latest edition of Policy and Standards for Entrances to State Highways, published by the New York State Department of Transportation.

B. Where the private road intersects a Village, county or state highway, and the plans will show the proposed type, length and diameter of pipe and drainage flow along said highway. The pipe will be installed and paid for by the applicant under the direction of the appropriate agency. The applicant will obtain all necessary permits for such work.

C. The grade of the intersecting private road with a Village highway shall be a negative two percent (-2%) from the edge of pavement to the ditch line or right-of-way of the highway whichever is the greater distance. From this point to the interior of the property, the maximum grade of the road shall be ten percent (10%). [Note that if a private road were ever to become a public Village highway, the maximum road grade would be ten percent (10%).] The grade of the intersecting road with a county or state highway will be in accordance with the directives of the particular agency involved. In all cases, the appropriate agency shall be notified of all intersections with public highways for approval of location, grade and drainage structures.

D. The above standards for intersecting private roads with Village highways shall also apply to intersections of driveways with private roads.

§ 110-91. Drainage pipe and structures.

All storm water culverts shall be designed for a fifty-year storm. The applicant may use, reinforced concrete pipe, corrugated PVC pipe, HDPE pipe, bituminous-coated corrugated steel pipe or aluminum-clad pipe, at his option, for all closed drainage systems. Reinforced concrete pipe shall meet Section 706-02 of the New York State Department of Transportation Standard Specifications (latest edition). Corrugated PVC pipe shall conform to the requirements of AASHTO M-252 and M-294 and ASTM F-667. Corrugated steel pipe shall conform to the requirements of AASHTO M36 and M190 and shall be of appropriate gage thickness for the given condition. All drainage structures (drop inlets, catch basins and manholes) shall be pre-cast concrete with appropriate frames and grates or covers. Pipes for driveway crossings shall at least be fifteen (15) inches in diameter and placed in the ditch line. End sections shall be used.

§ 110-92. Guide rail.

Guide rail will be placed along the edges of the shoulders where necessary due to severe drop-offs as determined by the Village Planning Board, except that guide rail shall be required whenever the height of embankment is greater than four (4) feet as required by the Village Engineer. All guide rails shall conform to NYSDOT standards.

§ 110-93. Bituminous pavements.

All bituminous material furnished shall conform to Section 400 of the New York State Department of Transportation Standard Specifications Construction and Materials (latest edition).

§ 110-94. Maintenance agreement or declaration.

A written, private road maintenance agreement or declaration shall be submitted to the Village Planning Board prior to granting final subdivision approval to any subdivision containing a proposed private road. This agreement shall require that all maintenance of the private road, including but not limited to snowplowing, sanding, pavement repairs, cleaning of drainage structures and mowing, shall be the responsibility of the owners of the private road. This agreement shall be filed in the Orange County Clerk's office, Village Engineer's Office and in the Village Clerk-Treasurer's office.

§ 110-95. Private road names and signs.

The applicant shall obtain written clearance from the Village Clerk-Treasurer and E-911 Coordinator as required by Chapter 50, numbering of buildings, prior to submitting the names of private roads to the Village Board for approval. The Planning Board shall not grant final approval to a subdivision or site plan until the Village Board has approved private road names. Street signs bearing the approved road name, as well as any required stop and / or yield signs, or any additional DOT approved signage that maybe required by the Village Board and / or the Village Planning Board, shall be furnished and installed by the applicant prior to the issuance of any building permits in the subdivision being served by said private road. A separate sign mounted on the same street signpost by the applicant shall indicate "Private Road." All signage will meet all federal, state and local requirements.

§ 110-96. Performance guaranty.

A. Prior to the granting of final approval by the Planning Board, the applicant shall deposit with the Village, in an amount verified by the Village Engineer as equal to the cost of construction of the private road, subject to approval by the Village Board, one (1) of the following performance guaranties, which must be approved by the Village Attorney as to form:

(1) A certified check;

(2) A performance bond from an acceptable surety; or

(3) A letter of credit from an acceptable bank.

B. The performance guaranty will guarantee that, within three (3) years, the applicant will complete all the construction within the right-of-way, including the roadway, shoulders, curbs and gutters, if any, storm drainage and other necessary appurtenances in accordance with the approved plans and these specifications.

C. The bond to be established shall be of sufficient value to allow the Village to complete the necessary improvements in conformance with all municipal requirements.

§ 110-97. Inspection fees.

The Village Engineer, or his / her designated representative, will inspect the construction of all private roads. All Inspections fees shall cover the cost of all necessary and related inspections

and shall be replenished as necessary and / or when the account balance is reduced to ½ the originally deposited amount. All fees must be paid prior to final subdivision approval and shall be as provided in the Village's code for Fees.

§ 110-98. Certification.

Upon completion of construction of any private road and prior to the release of the performance guaranty, the applicant's engineer, licensed by the State of New York, shall submit, along with the appropriate record drawings, a written certification to the Village Board that the road was constructed in accordance with the approved subdivision or site plans and these private road specifications.

§ 110-99. Interpretation.

Final decision as to the interpretation of any part of these street specifications shall rest with the Village Planning Board, which is hereby empowered, pursuant to Village Law § 280-a, to require private roads to be improved to its satisfaction in accordance with the standards and specifications approved by the Village Board herein.

§ 110-100. Penalties for offenses; additional remedies.

A. Any person, firm or corporation who violates the provisions of this article shall be guilty of an offense, punishable by a fine of not more than $1500 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

B. In addition to the above provided penalty and punishment for violations of this article, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with and/or to restrain by injunction any violation of this article.

C. In addition to and not in lieu of the above, in the event that any applicant, person, firm or corporation fails to comply with the terms of this article or rules or regulations promulgated hereunder with respect to the location or construction of any street, roadway, highway, or driveway or fails to properly restore the Village roadway / highway right-of-way upon completion of work, the Village may, upon due notice, correct the work and/or restore the disturbed right-of-way at the cost and expense of the applicant and/or property owner. The total cost of work performed by the Village, its employees, agents or contractors, including reasonable engineering and attorney's fees, shall be billed to the applicant and/or property owner and, if not paid within 30 days, said cost shall be a lien on the property and shall be levied, assessed and collected in the same manner as real property taxes.

§ 110-101. Enforcement.

The Building Inspector and/or Code Enforcement Officer serving the Village of South Blooming Grove, with the assistance of the Village Engineer, shall have the authority to issue appearance tickets for violations of this article.

§ 110-102. Supersession of other laws;

This article supersedes, and is in derogation of, Chapter 204 of the Code of the Town of Blooming Grove, County of Orange, State of New York.

§ 110-103. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Chapter 110: STREETS AND SIDEWALKS

§ 110-104. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 110-105. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

ARTICLE IX Street Specifications

§ 110-106. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern and regulate the Village owned roadways / highways that were conveyed to the Village from the Town of Blooming Grove, as a function of New York State Village Law, on January 1, 2008. The Village Board has determined that further regulation is necessary to ensure the protection of health, safety and welfare of the public and property. This Article will establish minimum acceptable standards of street construction for newly dedicated roads within the Village of South Blooming Grove and also establishes when those standards or stricter standards apply. The intent of these specifications is to establish a minimum acceptable standards of street construction for subdivisions which have been established by the Village of South Blooming Grove to conform to legal requirements in the State of New York, which requirements and standards must be met and paid for by the person or firm proposing that the Village take over such road as a Village road. These specifications include, but are not limited to, width, design, drainage, construction of base and pavement, curbs and monuments. These specifications will insure that all newly dedicated roadways meet such standards.

§ 110-107. Dedication of Roadways and Right-Of-Ways.

Dedication of roadways and right-of-ways will not be accepted until the developer's professional engineer and the Village Engineer shall have certified to the Village Board, in writing, that the construction of the street or road has been completed in accordance with the approved plans and specifications that follow, and that the total right-of-way area has been cleared of all debris and all construction completed in a workmanlike manner. When new road rights-of-way are offered to the Village for dedication, two copies of the final plan and deed description of the right-of-way shall be submitted to the Village Engineer for final approval.

§ 110-108. Certification by engineer.

In his written certification, as required above, the developer's professional engineer shall state clearly that he or his authorized representative has inspected all phases of the street construction and that all work has been completed in accordance with the approved plans and specifications.

§ 110-109. Preparation and submission of street plans.

A. A plan of the proposed street shall be prepared by a qualified professional engineer or qualified land surveyor licensed by the State of New York. The plan shall clearly define the limits of the proposed right-of-way by metes and bounds and shall include the location, sight distance, utility information and typical cross section of the proposed roadway, widths, profiles and grades of the proposed roadway, storm drainage including culverts and other drainage

structures and the location of all easements and utilities. All drainage facilities, including culverts, drainage systems and all drainage and utility easements, shall be shown on the plans. The plans shall also indicate the owner of the property and name of the developer, if other than owner. One copy each of the plans shall be submitted to the Village Engineer at the time of application to make such road a Village road, and to the County Superintendent of Highways when said proposed street drains toward, intersects or may otherwise affect a County highway. It will then be submitted to the Village Planning Board for review and approval under the applicable subdivision regulations of the Village. Such roadway must not be subject to any right or easement in others, which will in any way interfere with its use as a road at all times. Such roadway must be granted to the Village by a full covenant and warranty deed containing the correct metes and bounds description as shown on the approved map, which deed must be in such form as may be required to entitle the same to be recorded in the Office of the County Clerk of Orange County, and the filing fees must be paid by the applicant.

B. Permanent and temporary easements must be furnished in said deed granting to the Village the right to maintain all outlets for surface water or natural stream drainage which will run from such roadway over private property to a point where a natural watercourse exists and to which such outlet and easement will carry such water. A minimum of 20 feet width of easement shall be required for the maintenance of said easements.

C. The proposed roadway must be constructed to conform to the minimum requirements and standards set forth below. The minimum width to be cleared shall include all trees, rock formations, buildings, walls and any such things that would endanger those using such roadway. The removal of such obstructions shall be borne by the person or firm proposing such road.

§ 110-110. Alteration of approved plans.

Plans submitted shall not be altered or amended after having been approved by the Village unless amended plans are resubmitted and approved. However, the developer, at his own expense, shall provide additional storm drainage facilities or utilities as may be ordered by the Village Engineer, if during the course of construction in the opinion of the Village Engineer and/or the County Superintendent of Highways such additional structures or facilities are necessary to prevent any need for future installations of utilities or culverts within the pavement area, to assure the durability of pavement, future maintenance of right-of-way, or welfare and safety of the public, except that the Village Planning Board may vary the requirements of such an order where there are practical difficulties in the way of carrying out to the letter of such order; unless such variance conflicts with the provisions of a Village or County official drainage map, in which event the official map shall prevail. If construction of said road has not been started within one year from the date of final approval by the Village Planning Board, plans shall be resubmitted and approved as above.

§ 110-111. Traffic flow.

In front of areas zoned and designed for commercial/industrial use or where a change of zoning to a zone which permits commercial/industrial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Village Engineer to assure the free flow of traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district. Paving of these areas shall meet the requirements of the road classification it is part of or as directed by the Village Engineer.

§ 110-112. Performance Security Bond

Performance Bond:

(1) A performance security shall be delivered to the Village Clerk to guarantee to the Village that

the developer will faithfully cause to be constructed and completed within a reasonable term the required public improvements.

(2) Before the Planning Board grants final approval of the subdivision plat or site plan, the applicant shall follow the procedure set forth below:

(a) In an amount set by the Village Board, the applicant shall file with the Village Clerk either a certified check to cover the full cost of the required improvements or an adequate and acceptable security issued by a bank or surety company approved by the Village Board to cover the full cost of the required improvements or any combination thereof. Any such security shall comply with the requirements of § 277 of the Village Law and, further, shall be satisfactory to the Village Board and the Village Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years shall be set forth in the document of surety within which required improvements must be completed. However, the term of such performance security may be required to be extended by the Village Board if improvements are not completed within the original term of the security.

(b) The required improvements shall not be considered to be completed until the installation of the improvements has been accepted by the Village Engineer, and any appropriate department head and as-built or record drawings satisfactory to the Village Engineer have been submitted. If the applicant elects to provide a security or certified check for all required improvements as specified in this Article or Zoning Code, such security shall not be released until such as-built plans are submitted. The Village shall release the security upon certification of the Village Engineer and the Village Attorney that all requirements of the security have been satisfied.

(c.) The applicant shall complete all required improvements or post the required performance bond, either or both to the satisfaction of the Village Board, before any building permits shall be issued.

(d) If the Planning Board shall decide at any time during the term of the performance security that the extent of the building development that has taken place in a subdivision is not sufficient to warrant all the improvements covered by such performance security or that required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the face amount of said security or that the character and extent of such development required additional improvements previously waived for a period stated at the time of fixing the original terms of such security, the Village Board may modify its requirements for any or all such improvements, and the face value of such performance security shall thereupon be modified by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board, and any security deposited may be reduced proportionately.

(e) An adequate performance bonds shall be provided in accordance with Chapter for Subdivision of Land and/or the Village's Zoning Code.

(f) **As-built plans.** As define in this chapter shall be all plans that accurately depict the construction of any and all roadways and / or improvements, which shall be provided to the Village prior to the issuance of a Certificate of Compliance and / or final approvals. The as-built plans shall accurately depict the actual constructed field conditions and provide sufficient dimensions and measurements.

§ 110-113. Maintenance Bonds.

Maintenance bonds:

(1) Prior to acceptance by the Village of the dedication of the street as guaranteed, the developer shall deposit with the Village Clerk a performance and maintenance bond of acceptable security or shall deposit with the chief fiscal officer of the Village acceptable negotiable government bonds, cash or certified check drawn upon a national or state bank payable at

sight to the Village Board guaranteeing that for a minimum period of two (2) years from the date of acceptance of the dedication of the street by the Village or until the issuance of the final certificate of occupancy, whichever is latter, the developer will maintain the street to the standard of construction set by these specifications, normal wear and tear excepted. This shall be interpreted to mean that the developer will, at his own expense, repair and make good any defects or damage which may develop during this maintenance period as a result of faulty construction within the right-of-way or as a result of other construction by the developer or third parties who may have purchased a lot or lots outside of the right-of-way. During the maintenance period, the Village shall be responsible for snow and ice control, street cleaning, cleaning of culverts and catch basins and other work of similar routine nature, provided that such work has in no way been caused by the developer's operations.

(2) The amount of the maintenance bond shall be at least equal to ten percent (10%) of the original amount of the performance bond.

(3) Subsequent to the dedication of the street and after receipt of the maintenance bond, the Village Board shall release the performance security.

(4) An adequate maintenance bonds shall be provided in accordance with Chapter for Subdivision of Land and/or the Village's Zoning Code.

§ 110-114. Classification of Roads.

The Village Planning Board, in conjunction with the Village Engineer, shall determine and designate which of the following classifications each proposed road shall be designed to meet. The following subsections show what is required for each road classification.

A. Arterial or major roads. Applicable state or county authorities on a site-specific basis shall determine requirements for arterial or major roads. If the state or county authorities do not specify a greater width, the minimum right-of-way width shall be one hundred (100) feet, and the minimum paving width for residential or commercial properties shall be forty-eight (48) feet. Design of shoulders, drainage swales, base course, and pavement courses shall be in accordance with those required for a commercial collector road.

B. Collector roads.

(1) Commercial and/or industrial roads (with Curbs).

(a) Right-of-way: seventy (70) feet wide.

(b) Pavement: thirty (30) feet wide.

(c) Shoulders: eight (8) feet wide each side with four (4) inches of stone fill over sub-base or two and one-half (21/2) inches of stone fill and one and one-half (1 1/2) inches top course over sub-base.

(d) Drainage swales: two-foot minimum bottom width with a minimum depth of twenty-four (24) inches, to be located on at least one (1) side of the road but may be located on both sides of the road for proper drainage.

(e) Road base: twelve (12) inches sub-base material or six (6) inches sub-base material over six (6) inches.

(f) Pavement courses:

[1] Eight (8) inches: Type 2 base course placed in four-inch lifts.

[2] Two and one-half (21/2) inches: Type 3 binder course.

[3] one and one-half (1 1/2) inches: Type 6F top course.

(2) Residential roads (without Curbs).

(a) Right-of-way: sixty (60) feet wide.

(b) Pavement: thirty (30) feet wide.

(c) Shoulders: five (5) feet wide each side with four (4) inches of stone fill over sub-base or two and one-half (21/2) inches of stone fill and one and one-half (11/2) inches top course over sub-base.

(d) Drainage swales: two-foot minimum bottom width with a minimum depth of eighteen (18) inches, to be located on at least one (1) side of the road but may be located on both sides of the road for proper drainage.

(e) Road base: twelve (12) inches sub-base material or six (6) inches sub-base material over six (6) inches.

(f) Pavement courses:

[1] Three (3) inches: Type 2 base course.

[2] one and one-half (1 1/2) inches: Type 3 binder course.

[3] one and one-half (1 1/2) inches: Type 6F top course.

C. Collector roads.

(1) Commercial and/or industrial roads (with Curbs).

(a) Right-of-way: sixty (60) feet wide.

(b) Pavement: forty (40) feet wide.

(c) Drainage: storm drains and catch basins shall be installed as required.

(d) Road base: twelve (12) inches sub-base material or six (6) inches sub-base material over six (6) inches.

(e) Pavement courses:

[1] Eight (8) inches: Type 2 base course placed in four-inch lifts.

[2] Two and one-half (21/2) inches: Type 3 binder course.

[3] one and one-half (1 1/2) inches: Type 6F top course.

(2) Residential roads (with curbs).

(a) Right-of-way: sixty (60) feet wide.

(b) Pavement: thirty (30) feet wide.

(c) Drainage: storm drains and catch basins shall be installed as required.

(d) Road base: twelve (12) inches sub-base material or six (6) inches sub-base material over six (6) inches.

(e) Pavement courses:

[1] Three (3) inches: Type 2 base course.

[2] one and one-half (1 1/2) inches: Type 3 binder course.

[3] one and one-half (1 1/2) inches: Type 6F top course.

D. Local or minor road standards.

(1) Commercial and/or industrial roads (without curbs).

(a) Right-of-way: sixty (60) feet wide.

(b) Pavement: thirty-four (34) feet wide.

(c) Shoulders: five (5) feet wide each side with four (4) inches stone fill over sub-base

or two and one-half (21/2) inches of stone fill and one and one-half (11/2) inches top course over sub-base.

(d) Drainage swales: two-foot minimum bottom width with a minimum depth of twenty-four (24) inches, to be located on at least one (1) side of the road but may be located on both sides for proper drainage.

(e) Road base: twelve (12) inches sub-base material or six (6) inches sub-base material over six (6) inches.

(f) Pavement courses:

[1] Eight (8) inches: Type 2 base course placed in four-inch lifts.

[2] Two and one-half (21/2) inches: Type 3 binder course.

[3] one and one-half (1 1/2) inches: Type 6F top course.

(2) Residential roads (without Curbs).

(a) Right-of-way: fifty (50) feet wide.

(b) Pavement: twenty four (24) feet wide.

(c) Drainage swales: two-foot minimum bottom width with a minimum depth of eighteen (18) inches, to be located on at least one (1) side of the road but may be located on both sides of the road for proper drainage.

(d) Road base: twelve (12) inches sub-base material or six (6) inches sub-base material over six (6) inches.

(e) Pavement courses:

[1] Three (3) inches: Type 2 base course.

[2] one and one-half (1 1/2) inches: Type 3 binder course.

[3] one and one-half (1 1/2) inches: Type 6F top course.

E. Local or minor road standards (with Curbs).

(1) Commercial and/or industrial roads.

(a) Right-of-way: sixty (60) feet wide.

(b) Pavement: thirty (30) feet wide.

(c) Drainage: storm drains and catch basins shall be installed as required.

(d) Road base: twelve (12) inches sub-base material or six (6) inches sub-base material over six (6) inches.

(e) Pavement courses:

[1] Eight (8) inches: Type 2 base course placed in four-inch lifts.

[2] Two and one-half (21/2) inches: Type 3 binder course.

[3] one and one-half (1 1/2) inches: Type 6F top course.

(2) Residential roads (with Curbs).

(a) Right-of-way: fifty (50) feet wide.

(b) Pavement: twenty-four (24) feet wide.

(c) Drainage: storm drains and catch basins shall be installed as required

(d) Road base: twelve (12) inches sub-base material or six (6) inches sub-base material over six (6) inches.

(e) Pavement courses:

[1] Three (3) inches: Type 2 base course.

[2] one and one-half (1 1/2) inches: Type 3 binder course.

[3] one and one-half (1 1/2) inches: Type 6F top course.

F. Private roads. Refer to Article VI of this chapter, containing Street Specifications for Private Roads, Village of South Blooming Grove, and Orange County, New York. All private roadways shall be constructed to the local / minor road design criteria.

§ 110-115. Development of right-of-way and monuments.

A. The developer shall establish and clearly mark on site the limits of road right-of-way and easements with concrete monuments and / or copper weld stakes; and the center line and grades of the finished road pavement and the location and elevations of drainage structures as shown on the approved plans with construction stakes. Such construction stakes shall be maintained at the developer's expense until the construction of road pavement, drainage structures, curbs, sidewalks and shoulders has been completed, inspected and approved by the Village Engineer.

B. Permanent concrete monuments and / or copper weld stakes shall be set on right-of-way lines of streets at all intersections, angle points, points of curvature and beginning and end of streets. There shall be a clear view of adjacent monuments on the right-of-way line. All monuments shall exist on completion of the construction of the streets. The permanent markers shall be made of concrete or granite with minimum dimensions of 30 inches long, four-inch square top and six-inch square bottom with a 1/2 inch drilled hole in the top with a brass plug inserted. If a monument should be located in a rock ledge, the surface shall be stripped and a 1/2 inch steel rod drilled into the ledge. Monuments shall protrude three inches above the final graded surface.

C. The developer's engineer or licensed surveyor shall certify that the location of all monuments is accurate before acceptance of the street by the Village Board.

§ 110-116. Clearing or grubbing.

A. The developer shall clear the entire area within the limits of:

(1) The road right-of-way.

(2) Stream channels and ditches. (as determined by the Village Engineer.)

(3) Easement areas (as determined by the Village Engineer.)

B. All stumps, roots, walls and buildings shall be excavated and removed from the above areas.

§ 110-117. Excavation, filling and rough grading.

A. The developer shall complete the shaping of the road right-of-way, streams and ditches and easement areas to the line and grade as shown on the approved plans and as otherwise may be directed by the Village Engineer. In the construction of the roadway, all topsoil, loam, rocks and organic material shall be removed until a satisfactory sub-base is established. In fills of less than three feet, all topsoil shall be excavated and removed. All fills shall be made with acceptable material as approved by the Village Engineer. Such fills shall be made in layers of not more than 18 inches each and properly compacted with an approved self-propelled roller weighing not less than 10 tons.

B. The sub-grade shall be shaped to line and grade with no depressions. Any soft or unstable portions of the sub-grade, which develop under the roller, shall be completely excavated and

removed from the right-of-way and shall be replaced with acceptable granular material, and the area re-graded and compacted as above. No large stones or rock ledges shall protrude into the foundation course.

C. Also, before the curbs and foundation course are laid, all storm and sanitary sewers and all utilities, including house connections for existing and future homes, hydrants, gas, electric and telephone lines, shall have been installed to the satisfaction of the Village Engineer. All slopes and sidewalk areas shall be graded before the foundation course is made and all loose and exposed stones will be removed.

§ 110-118. Natural or man-made watercourses and swales.

Where a watercourse or swale (natural or man-made) separates an existing or proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of a design acceptable to the Village Engineer. Culverts or other structures shall be required at any connection with existing or proposed roads if directed by the Village Engineer.

§ 110-119. Groundwater.

Ground water control shall be installed along all proposed roadways unless specifically waived by the Village Planning Board and / or Village Engineer based on site conditions. If in the opinion of the Village Engineer it is necessary to intercept and carry away groundwater within the limits of the right-of-way, to protect the stability of the roadbed, curb or sidewalk areas, the sub-drainage required by the Village Engineer shall be installed. Perforated pipe having a minimum diameter of four inches, encased in 12 inches of 3/4-inch clean crushed stone or crushed gravel shall be used for such purpose in amount deemed necessary by the Village Engineer.

§ 110-120. Driveways.

A. The developer shall design and construct all driveways within the limits of the right-of-way with sufficient sight distance (to be noted on the plan) and with a grade no more than one (1) inch per foot from edge of pavement or back of curb to the right-of-way line. The minimum width of the driveway pavement at the road pavement line or at the curb-line shall be fifteen (15) feet, tapering to a minimum of ten (10) feet at the right-of-way line. All driveways shall have a six-inch sub-base material foundation course with two (2) inches Type 6F bituminous concrete top course mix from the edge of pavement or back of curb to the right-of-way line, which shall be applied during or after the laying of the street pavement.

B. All driveways shall be graded to the satisfaction of the Village Engineer prior to surfacing said driveways. And in accordance with **Article V,** and installation of culverts or other structures may be required by the Village Engineer.

§ 110-121. Sidewalks.

A. Sidewalks are to be included on roads when required or approved by the Village Board and / or the Village Planning Board. When included, sidewalks shall conveniently link dwellings to all possible generators of pedestrian traffic both within and outside of the subdivision. Sidewalks generally will only be required or approved on road sections with curbs. The sidewalk shall be located such that the outside of the sidewalk is two (2) feet from the inside of the right-of-way line. The inclusion of sidewalks along a road may require a greater right-of-way width than that specified herein to be dedicated to the Village.

B. In the event that sidewalks are required or approved along open section roads, the location of the sidewalk may require modification of the right-of-way width and/or the road section. Drainage may be required to be enclosed in a piped system rather than swales. The Village Engineer will determine location of the sidewalk.

C. All sidewalks are to be constructed in accordance with Article II, Article III and Article IV of this chapter.

§ 110-122. Curbs.

On all streets, six-inch Portland cement concrete curbs or a combination of six-inch cobblestone and Portland cement curbs, whichever is mandated by the Village Board, shall be constructed on both sides of the street, prior to laying street pavement to the dimensions and specifications shown in the final approved plans. A base course of four inches minimum of 1/2 inch or 3/8 inch crushed stone or gravel shall be laid under all curbing. An air-entrained concrete mix of 3,500 pounds per square inch after 28 days (certified to by a testing laboratory) shall be used and shall be finished and cured to the satisfaction of the Village Engineer. At least two standard concrete testing cylinders must be prepared and tested at 28 days for each day's placement of concrete. Test reports shall be filed at the office of the Village 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. Curbs shall be depressed four inches at all driveways. Stone curbs or pre-cast curbs may be substituted on approval of the Village Engineer and Village Board.

§ 110-123. Street lighting facilities

Where required by the Village Board, street lighting standards in conformance with the lighting system of the project area as approved by the Village Planning Board shall be installed by the sub-divider in a manner and location approved by the Village Engineer, and the appropriate power company. In the case of a subdivision involving a county or state highway, approval shall be obtained from the County Superintendent of Highways or the State Department of Transportation and / or the Village Engineer.

§ 110-124. Notification; inspection; fees.

Written notice shall be provided to the Village Clerk, the Village Engineer at least ten (10) days prior to commencement of any construction of approved roads or drainage. The Village Engineer or his/her designated representative will inspect the construction of all roads and public improvements (if any). In addition to the above-required written notice, adequate notice shall be provided to allow inspection of the following items of work: excavation and rough grading (including installation of all underground utilities), placement and compaction of the road sub-base, placement and compaction of the road base course, placement of the binder course, placement of the top course and placement of the seal coat. Inspection and acceptance by the Village Engineer shall in no way relieve the developer of his obligation to comply with the requirements of these specifications. Inspection fees must be paid prior to final subdivision or site plan approval and shall be as provided in the Village Code, Chapter of Fees.

§ 110-125. Foundation course, granular material.

A. After the rough grade and all the curbs have been constructed to the satisfaction of the Village Engineer, the developer shall furnish and place a foundation course of approved run-of-bank gravel, crusher run stone or crusher run gravel, to the minimum depth of eight inches. All materials acceptable for this course shall be hard, durable and sound and shall be well graded from coarse to fine, the maximum diameter of the large particles not exceeding three inches, not more than 70% by weight pass the 40-mesh sieve, and not more than 10% by weight pass the 200-mesh sieve. A certified analysis of granular material will be filed with the Village Engineer.

B. The materials shall be placed on the finished sub-grade by means of mechanical spreaders and shall be thoroughly compacted by rolling with a self-propelled ten-ton roller. Water shall be added to the materials in such amounts, as the Village Engineer may consider necessary

for proper compaction. After compaction, the course shall be true to grade and cross sections, and any depressions shall be eliminated by the use of additional granular materials, thoroughly rolled in place. In all cases, the foundation course must be so thoroughly compacted that it will not weave.

C. The sub-base shall be tested under the observation of the Village Engineer to ensure an unyielding condition.

§ 110-126. Surface course.

A. The surface course shall not be applied until all heavy trucking for building or site construction purposes is completed. Prior to application of the surface course, the binder course shall be cleaned of all loose and foreign material by brooming or other satisfactory method. Where deemed necessary by the Village Engineer, a truing and leveling course conforming to Item 51TL of the New York State Department of Public Works Specifications shall be placed.

B. The surface course shall consist of a one and a half (1 ½) inches compacted thickness of plant mix bituminous concrete conforming to Item 51, Type IA, Top Course.

§ 110-127. General.

All placing, mixing, rolling and tolerances of materials shall be in conformity with the New York State Department of Public Works and the following:

A. Bituminous concrete shall only be drawn from New York State approved plants. Certification of mix for each batch shall be provided to the Village Engineer.

B. Only asphalt paving machines consisting of a tractor unit and a screed unit shall be used to spread the binder course, the truing course if necessary, and the surface course.

§ 110-128. Certification.

Upon completion of the road and public improvements (if any) and prior to the release of the performance security, the applicant's engineer, licensed by the State of New York, shall submit, along with the appropriate as-built or record drawings, a written certification to the Village Board that the road and public improvements (if any) were constructed in accordance with the approved subdivision or site plan and applicable specifications and/or rules and regulations.

§ 110-129. Road dedication and acceptance procedures.

Written application by the owner or owners of land proposed to be dedicated to the Village of South Blooming Grove (hereinafter the "Village") for use as a public highway should be delivered to the Village Clerk, addressed to the Village Board, with a copy directed to the Village Engineer, Planning Board and Village Attorney for their information and guidance. Application should be a simple request for the Village to accept the road or street in question, should name the street, indicate in whose name title is held and should be accompanied by the following items, all secured by and at the expense of the applicant:

A. Eight (8) copies of a survey, certified to the Village, including three (3) on reproducible sheets, showing the proposed road and indicating the location of at least one (1) other public road or street connecting therewith. A map should be prepared by a licensed surveyor and should indicate filing data if filed in the County Clerk's office and Planning Board's approval data if so approved. The survey map shall include plan(s); profile(s); all monuments; public improvements with grades, inverts, top of grates/covers, lengths and types of pipes; and a minimum of three (3) ties to all manholes, hydrants, valves, curb stops, corporations, wyes/fittings, etc.

B. Executed release(s) and dedication, acceptable for recording, describing the road or street by metes and bounds, including the name of the street, with proper reference to any filed map and including any necessary drainage easement(s).

C. A fee as prescribed by chapter of Fees of the Village Code and may be amended from time to time by the Village Board.

D. A title insurance policy insuring the Village in the amount of five thousand dollars ($5,000.) for each road to be dedicated. The title insurance policy must be acceptable to the Village Attorney and must insure that the Village is obtaining title to the road and an interest in the easement, if any, free and clear of all liens and encumbrances.

E. Full covenant and warranty deed conveying to the Village title of the road to be dedicated and including any required easements. Also, an equalization and assessment form and TP-584 form must be prepared and accompany the deed.

F. Consent of the Village Board to dedication, in triplicate, for the Village Board's adoption, reciting the proceedings and consenting that the Village Engineer makes an order laying out the lands as a Village highway.

G. Order of the Village Engineer accepting dedication, in triplicate.

H. Certificate of the Village Engineer as to the road's compliance with Village of South Blooming Grove minimum road specifications.

I. Certification by a professional engineer or surveyor that the road to be dedicated has been completed in accordance with the approved plans and specifications of the Village, that the total right-of-way has been cleared and that all construction has been completed in a workmanlike manner.

J. A maintenance bond, acceptable to the Village, guaranteeing to the Village that the developer will maintain the road to the Village's standards, normal wear and tear excepted, for a period of at least two (2) years from the date of the acceptance of the road dedication. The maintenance bond must be in an amount equal to at least ten percent (10%) of the original performance security as required in § 110-113 of this chapter.

K. Maintenance bond letter acknowledging the responsibilities of the developer and prepared in accordance with the attached maintenance bond letterform as required in § 110-113 of this chapter.

L. If the developer is a corporation, the developer must furnish a unanimous written consent of the Board of Directors and shareholders of the corporation to the road dedication.

§ 110-130. Penalties for offenses; additional remedies.

A. Any person, firm or corporation who violates the provisions of this article shall be guilty of an offense, punishable by a fine of not more than $1500 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

B. In addition to the above provided penalty and punishment for violations of this article, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with and/or to restrain by injunction any violation of this article.

C. In addition to and not in lieu of the above, in the event that any applicant, person, firm or corporation fails to comply with the terms of this article or rules or regulations promulgated hereunder with respect to the location or construction of any street, roadway, highway, or driveway or fails to properly restore the Village roadway / highway right-of-way upon completion of work, the Village may, upon due notice, correct the work and/or restore the disturbed right-of-way at the cost and expense of the applicant and/or property owner. The total cost of work performed by the Village, its employees, agents or contractors, including reasonable engineering and attorney's fees, shall be billed to the applicant and/or property owner and, if not paid within 30 days, said cost shall be a lien on the property and shall be

levied, assessed and collected in the same manner as real property taxes.

§ 110-131. Enforcement.

The Building Inspector and/or Code Enforcement Officer serving the Village of South Blooming Grove, with the assistance of the Village Engineer, shall have the authority to issue appearance tickets for violations of this article.

§ 110-132. Supersession of other laws;

This article supersedes, and is in derogation of, Chapter 204 of the Code of the Town of Blooming Grove, County of Orange, State of New York.

§ 110-133. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

§ 110-134. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

§ 110-135. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.