

SUB DIVISION CONTROL LAW

TOWN OF GREIG LEWIS COUNTY NEW YORK STATE

Local Law 5-2005

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Supercedes Local Law 3-1990

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ARTICLE 1:

ENACTMENT. AUTHORIZATION. PURPOSE. VARIANCE

Section 1010 Enactment and Authorization

Pursuant to the authority granted to the Town in Section 10 of the Municipal Home Rule Law, the Town Board of the Town of Greig authorizes and empowers the Planning Board of the Town of Greig: to approve plats within that part of the Town or Greig outside the limits of any incorporated village; and to pass and approve the development of plats already filed in the office of the Clerk of Lewis County if such plats are entirely or partially undeveloped. It is the intention of the Town Board to supercede Section 276 and 277 of the Town Law.

Section 1020 Title

This law shall be known as the "Subdivision Control Law of the Town or Greig."

Section 1030 Purpose

The purpose of this law is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.

Section 1040 Administration

This Subdivision Control Law shall be administered by the Planning Board and the Code Enforcement Officer.

ARTICLE 2: DEFINITIONS

For the purpose of this law words and terms used herein are defined as follows:

Code Enforcement Officer	The Town of Greig Code Enforcement Officer of land use laws; any person appointed, designated, or otherwise retained by the Town Board to carry out the functions assigned to such person according to this law.
Final Plat	Means a drawing, in final form, showing a proposed subdivision containing all information and detail required by law and by this law which may be duly filed or recorded by the applicant in the Office of the County Clerk.
Flag Lot	A parcel of land shaped like a flag, with a narrow strip providing access to a public street, public right of way or waterway. While access is by a narrow strip, the lot otherwise must maintain sufficient acreage to comply with zoning regulations for size and lots.
General Plan	Means a long range comprehensive or master plan for the development of the Town.
Official Sub-mission Date	Means the date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board
Planning Board	The Planning Board of the Town of Greig.
Plat	Means a drawing or drawings containing all information and detail required by this law showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to filing of the plat in final form.
Re-subdivision:	The further division of lots, plots, sites, or other division of land or the relocation of lot lines of any lot within a subdivision previously made and approved or recorded according to law; or changes in the lines of existing streets, highways or public areas within any such subdivision, but not including conveyances made so as to combine existing lots by deed or other instrument.
Road, Local	A road intended to serve heavy flows of traffic and/or as an access to abutting properties.
Road, Private	A road privately maintained and intended to serve primarily as an access to abutting residential properties.

Sketch Plan	Means a sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this law.
Subdivision	Division of any parcel of land into two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term subdivision shall include re-subdivision.
Undeveloped Plat	Those plats where twenty (20) percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.
Zoning Law	Zoning law of the Town of Greig.

REVIEW AND APPROVAL PROCEDURE

Section 3010 General

Subdivisions shall be processed in the following stages:

1. Sketch Plan Conference. (Optional)
2. Public Hearing
3. Plat approval.

Section 3020 Pre- Application Procedure

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. He should study the site suitability and opportunities for development. Presumably he will discuss financing, planning and marketing with the lending institutions. With his licensed land surveyor, he should develop a preliminary layout in sketch form which in turn should be submitted to the Planning Board for advice and assistance and should include a preliminary environmental assessment (EAF).

Section 3030 Sketch Plan Conference. (Optional)

The subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Chairman or Enforcement Officer will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan as it relates to the community plan, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans.

Section 3040 Minor Subdivision Waiver

If the Planning Board determines that the proposed subdivision is of minor significance, the Planning Board may waive the application and review procedure as provided for in Section 3060 and Article 4 of these regulations. Such waiver shall be in writing, and shall include the following findings:

1. The proposed subdivision does not involve the creation of more than (3) lots, and does not involve the creation of a new road or new public water or sewage facilities.
2. The applicant has provided evidence acceptable to the Planning Board that all lots shall conform to the requirements of the Town of Greig Zoning Law. Such evidence may consist of proposed deeds, sketch plans, or surveys of all the lands included in the proposed subdivision, or of part of the lands included in the proposed subdivision where such part provides the Planning Board with evidence sufficient to make a determination.
3. The proposed subdivision has no environmental significance pursuant to 6NYCRR Part 617.

4. The proposed subdivision will not have a negative impact on the public health, safety and welfare.

Section 3050 New York State Department of Health

New York State Department of Health approval may be required for any subdivision containing five (5) or more lots. Early contact by the subdivider with this department is advised.

Section 3060 Application for Plat Approval

All subdivisions shall be subject to the Subdivision Plat requirements, as specified herein, unless a waiver is issued according to Section 3040 of these regulations. The subdivider shall file an application for approval of the Plat on forms available at the Town Office accompanied by all documents specified in Article 4 herein.

Review of Subdivision. Following the review of the Plat and supplementary material submitted and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. This hearing shall also fulfill the requirements of the SEQRA act on the draft environmental impact.

Notice of Public Hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing. The planning board may provide that the hearing be further advertised in such manner as it deems appropriate.

Final Decision. The Planning Board shall by resolution approve, conditionally approve, or disapprove the plat within forty-five (45) days of the official hearing date. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the provision violated by the Plat. Failure of the Planning Board to render a decision within the stated forty-five (45) day period shall be deemed final approval of the plat. Such (45) day period may be extended by mutual consent of the Planning board and subdivider.

Notice of Decision. Within five (5) days of the Board's decision, the subdivider shall be notified by mail of the final action of the Planning Board. The action of the Planning Board shall be noted on three (3) copies of the Subdivision Plat and reference made to any modifications determined. One (1) copy shall be returned to the subdivider and the other two (2) copies retained by the Planning Board. If the plat is approved, the subdivider shall record the Final Plat, or section thereof, in the Office of the Clerk of Lewis County, N.Y. within ninety (90) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Lewis County, N.Y.

Conditional Approval. Upon conditional approval of such plat the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. The plat shall be certified by the Town Clerk and a certified statement of such requirements shall accompany such plat which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a plat shall expire 180 days

after the date of the resolution granting such approval. The Planning Board may, however, extend the expiration time for a period not to exceed six (6) months.

Filing of Plats in Sections. Prior to granting conditional or final approval of a plat in final form the Town Planning Board may permit the plat to be subdivided into two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the board, shall be granted concurrently with conditional or final approval of the plat.

In the event the owner shall file only a section of such approved plat in the office of the County Clerk or register, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Section 265-a of the Town Law.

ARTICLE 4: DOCUMENTS TO BE SUBMITTED

Section 4010 Information Required for all Subdivisions

1. Name and address of subdivider.
2. Copy of tax map(s).
3. Existing restrictions on the use of land including easements, covenants and zoning.
4. A drawing showing total acreage of subdivision, number of lots proposed and boundaries, and location of water and sewage disposal systems
5. Building types, approximate size and cost.
6. Any other information as may be required by the Planning Board.

Section 4020 Subdivision

The following shall be submitted with all applications for approval of a Plat:

1. Name and address of subdivider and professional advisers, including license numbers and seals.
2. Three (3) copies of the plat map, drawn to scale. The map scale shall be one (1) inch to two hundred (200) feet unless otherwise specified by the Planning Board showing:
 - a. Subdivision name, scale, north arrow and date.
 - b. Subdivision boundaries.
 - c. Contiguous properties and names of owners.
 - d. Existing and proposed road, utilities and structures.
 - e. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site
 - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewerage, and water supply.
 - g. Land contours at two (2) feet intervals, or other suitable indicators of slope.
3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading and landscaping plans.
5. The width and location of any roads or public ways and the width, location, grades and road profiles and proposed names of all roads or public ways proposed by the developer

6. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing line
7. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
8. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with dimensions and area of each lot
11. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
13. An Environmental Assessment Form Pursuant to 6NYCRR Part 617.
14. Where the subdivision plat submitted covers only a part of the sub divider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
15. A certificate by the Enforcement Officer certifying that the subdivider has complied with the following: A performance bond, certified check, or letter of credit has been posted in sufficient amount to assure such completion of all required improvement.
16. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this law.
17. Any required fees.

Section 4030 Waiver of Submission Requirements

When an application concerns a subdivision of uncomplicated nature, the Planning Board may in its discretion, waive or amend any submission requirement deemed unnecessary to the application.

Article Five Design Standards and Required Improvements for Roadways

Section 5010

Road Design Standards, General

Conformity with General Plan: The arrangement width, location and extent of all local and private roads should conform and be in harmony with the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of land. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road layout.

Arrangements: Roads shall be designed to discourage through traffic, whose origin and destination is not within the subdivision.

Section 5020

Construction Specifications for all Roads:

Specifications: The Planning Board and the Town Highway Superintendent shall have the power to impose all conditions reasonably necessary to ensure that the safety of pedestrians and vehicles on all public and private roadways in the Town of Greig. Among other things, the following shall apply.

1. **Dimensions:** Minimum width of the Right of Way shall be fifty (50) feet.
Minimum width of the road surface (pavement) shall be eighteen (18) feet.
Minimum width of the shoulders shall be five (5) feet.
2. **Grade:** Grades shall not exceed ten-percent (10%), with a maximum grade of two-percent (2%) for a minimum distance of thirty (30) feet from its intersection with a public right-of-way or another private road.

All road beds will be raised above grade or provided with appropriate drainage. The grade should be less than ten percent (10%).

- 6% for natural soil
- 10% gravel/crushed stone
- 16% paved

The grade can be increased up to twelve percent (12%) on gravel roads and twenty percent (20%) on paved roads for short reaches (200 ft. or less) where no other alternative exists.

All back slopes shall be graded and brush eliminated.

The road bed width will be a minimum of eighteen (18) feet to assure safe ingress and egress for emergency response vehicles. The road bed surface will be covered with gravel or other suitable material to a minimum depth of twelve (12) inches with an additional three (3) inch topping. The Planning Board and Highway Superintendent may require that the top surface be of a paving material such as blacktop, where anticipated traffic conditions warrant.

- a. Adequate drainage shall be provided as specified by the Highway Superintendent.
- b. Vegetation protection may be required on slopes bordering the roadway to prevent soil erosion.
- c. Culverts will be of sufficient size to handle anticipated run off and extend at least five (5) feet beyond the shoulder of the road. They should be designed using 10 yr, 24 hr storm rate as a minimum with no culvert less than twelve (12) inches in diameter.

Additionally the Town of Greig Highway Superintendent and the Town of Greig Planning Board may impose additional conditions where the site specific conditions suggest the need for the same to insure public safety.

3. **Road Intersections:** Roads shall intersect one another at angles as near to a right angle as possible, and no intersections of roads at angles less than seventy (70) degrees or greater than one-hundred shall be approved. Road intersections shall be rounded with a radius of twenty-five (25) feet measured at edge of pavement when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Planning Board and Highway Superintendent. Road jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. When intersecting a county highway, County Highway Department and County Planning Board approval is required.

4. **Intersection offsets from public streets:** Proposed private roads or entrances to a development/subdivision shall align directly across from, or be offset at least two-hundred-fifty (250) feet from, public streets or private road intersections on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Town Planning Board.

5. **Minimum offsets along private roads:** Private roads and driveways (excluding driveways serving one or two dwelling units) within a development/subdivision shall align directly across from other private roads or driveways or be offset at least one-hundred-fifty (150) feet measured centerline to centerline.

6. **Dead end roads:** Each dead end road shall be provided with a cul-de-sac (turn around) with an outside roadway characteristic of at least a forty five (45) foot radius or greater as deemed sufficient by the Town Highway Superintendent for snow plowing. Temporary dead ends for phased construction shall have temporary cul-de-sacs installed. Cul-de-sacs will either be deeded to the Town or secured by easement. Provisions shall be made for adequate snow storage areas at cul-de-sacs or turnarounds. These areas shall be free of above ground utility equipment and driveways.

7. **Cul-de-sac turnarounds:** Any single means of access serving more than three (3) lots or dwelling units shall include a turn-around with a forty-five (45) foot radius. A center landscaped island may be required where deemed appropriated by the Town Planning Board. A larger turnaround may be required for commercial and industrial private roads. These standards may be adjusted by the Town Planning Board in particular cases, with input from the fire department provided there is a finding that traffic impacts are adequately mitigated and a second means of emergency access can be required by the Town Planning Board.

8. **Names and Numbers:** Names of new roads shall not duplicate existing or platted roads in the Town. The name selected by the developer or other suggestions by the Planning Board shall be presented to the Town Board for approval. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the 911 house numbering system now in effect in the Town/County.

9. **Road Signs:** The sub-divider or developer shall provide and erect road signs of a type to be approved by the (Town Planning Board Specifications listed below) at all road intersections prior to acceptance of the constructed roads. Each sign shall include the 911 intersection number provided by the County and shall conform to the Town's Official Specifications for private roadway signs and the New York State DOT Standards.

10. **Sign Design and Display Standards:**

a. Sign Material:

Signs shall be constructed of wood, metal or other durable material approved by the Town Planning Board.

b. Sign Size:

Signs shall be eight (8) inches in height X (overall length varies with number of characters) minimum length twenty four (24) inches.

c. Sign Preparation:

Wood signs will have all edges and both sides wood filled and prepared with one coat of base primer.

Metal signs will be degreased and etched to promote adhesion of reflective materials.

d. Color:

Yellow lettering on a brown background.

White lettering on a green background.

e. Lettering:

(road name and suffix) = three (3) inch uppercase and two and one half (2.5) inch lowercase, reflective white engineer-grade 3M (or equivalent) sheeting.

f. Posts:

Four inch X four inch pressure-treated wood (or suitable equivalent material) painted brown.

g. Sign Presentation:

Where appropriate, sign plates are to be placed on opposite sides of the post, so as to be visible from vehicles approaching the road from either direction.

Signs will be placed on the right side of the roadway as the vehicle approaches the main road. (Existing road)

The signs shall be placed at the right-of-way at the following location: Measured from the edge of the traveled portion of the new road not less than ten (10) feet nor more than twelve (12) feet.

Sign Height relative to the centerline grade of the main road shall be a minimum of eight (8) feet and a maximum of ten (10) feet.

Where appropriate a sign with the complete word **PRIVATE** (uppercase characters) must be installed below the road name to indicate the road is private and not public.

NOTE: It is illegal to affix road signs to utility poles, trees or anything other than is what is proscribed except if approved by the Town Planning Board.

11. **Bridges:** All bridges shall be designed in accordance with the American Association of State Highways Official Design Standards (AASHTO). Warning signs reading "one-lane bridge" shall be installed thirty (30) yards from each end of bridge. Bridges shall have signs providing the weight and vertical clearance limitations of the bridge. The signs shall be clearly visible and shall be installed thirty (30) yards from each end of the bridge.

12. Each project shall be completed in accordance with design and specifications approved by the Town Planning Board, however, the Town Planning Board/Highway Superintendent may permit deviations below such minimum specifications in planning or during construction where circumstances make deviation advisable.

13. If the road is to be dedicated to the Town, bonding requirements in accordance with the Town of Greig Zoning Law will be required.

If the road is to be a private road, the sub-divider must make provisions for the on-going ownership and maintenance of the road. If the developer is not willing to assume or assure future maintenance/ownership (i.e. homeowners association) of the road, the ownership of the road must be deeded to the Town. As part of this process the developer will be required to post a bond as outlined in the Town of Greig Zoning Law and construction must meet final approval of the Town Highway Superintendent and Code Enforcement Officer. This condition must be met before any Building Permits will be issued.

14. The Town recognizes there exists private roads, service roads and access easements which were lawful prior to adoption of this law that do not fully conform with the standards herein. Such roads are declared by this Law to be legal nonconforming roads or easements. The intent of this section of the Sub-Division Law is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes, as determined by the Town Highway Superintendent.

Section 5030 Driveways

All private road and driveway intersections with all roads shall provide maximum safety under the given location circumstances. Items to be considered prior to approval by the Board for the construction of the drive include grade, drainage, line of sight, and proper marking.

Section 5040 Utilities

Public utility improvements may be required and shall be installed as follows:

1. Electricity: Power lines shall be placed underground where required by Public Service Law, and shall conform to Public Service Commission Standards.

Section 5050 Water Supply

1. Proposed location of individual wells shall be indicated on sketch plans and plats to the approval of the Planning Board.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require the installation of individuals wells or a public water supply system such wells or system shall be installed at the expense of the subdivider to the approval of the Planning Board and in accordance with applicable State regulations.

Section 5060 Sewage Disposal

1. Proposed location of individual septic systems shall be indicated on sketch plans and plats including percolation tests for each location for the approval of the Town Code Enforcement Officer. All systems must meet the requirements of the Town of Greig Sewage Dispersal Law.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board and in accordance with applicable State regulations.

Section 5070 Lots

Location: All lots shall abut on a public or private road as required by Town Law Section 280-a. The abutment shall include at least 20' feet of road frontage suitable for access by emergency vehicles. Easements may be considered for access.

Dimensions: The lot size, width, depth, shape and area shall comply with the Town Zoning Law.

Double Frontage Lots: Fronting on two roads other than corner lots shall be discouraged.

Pedestrian Easements: In order to facilitate pedestrian access from roads to schools, parks, play-areas or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Board.

Setback: The provisions of the Town's Zoning Law shall apply regarding setback lines.

Lot Lines: Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots and except when indicated by topography, lot lines shall be straight.

Corner Lots: Lots shall have adequate width to permit appropriate building setback from, and orientation to, both roads.

Flag Lot minimum dimensions shall comply with requirements of the Town of Greig Zoning Law for the appropriate Zoning District. (Section 410 of the Town of Greig Zoning Law)

Flag Lot: The front lot line of a flag lot and the width of access therefrom shall be a minimum of 50 feet. Such access width shall not be considered in determining the average width of lot. The front setback distance shall be measured from that lot line of the main part of the flag lot which is closest to the road, right of way or highway providing access.

Access for future Subdivision Lots: Where new frontage lots are divided from a larger parcel by deed or subdivision, the remaining access to such parcel shall be a minimum of 50 feet in width. Where a new frontage lot thus divided is adjacent to the only access for future subdivision of the remaining parcel, the lot's side setback closest to such access shall comply with the specified side setback requirement in the Town of Greig Zoning Law.

Developable Lots: Each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, or rock outcrops or unbuildable soils.

Section 5080 Unique and Natural Features

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered to the greatest extent possible. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

Section 5090 Unsuitable Land for Subdivisions

As a safety measure for the protection of the health and welfare of the people of the Town, land which is found to be unsuitable for subdivision due to harmful features (e.g. drainage problems), shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board.

ARTICLE 6: FINANCIAL GUARANTEES FOR INSTALLATION OF IMPROVEMENTS

Section 6010 General

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, public water supply road signs and road surfacing will be constructed, the subdivider shall enter into one of the following agreements with the Town.

1. Construct all improvements directly affecting the subdivision as required by this law and by the Planning Board, prior to final approval of the plat.
2. In lieu of the completion of the improvements, furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board.
3. In lieu of the completion of improvements deposit a certified check, or present an irrevocable letter of credit drawn in favor of the Town in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

Section 6020 Conditions

Before the plat is approved, the developer shall have executed a subdivider contract with the Town and a performance bond, certified check, or letter of credit, shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond, certified check, or letter of credit shall be to the Town and shall provide that the subdivider his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety. Wherever a certified check is made, the same shall be made payable to the Town. Wherever an irrevocable letter of credit is made, the same shall be drawn in favor of the Town.

Section 6030 Extension or Time

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond, certified check deposit, or letter of credit, shall be completed within one year from the date of approval of the final plat. Road improvements shall be completed within two years from the date of approval of the final plat. The subdivider may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond, check deposit, or letter of credit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

Section 6040 Agreement - Schedule of Improvements

When a certified check, letter of credit, or performance bond are made pursuant to the preceding sections, the Town and subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the sub divider upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit, letter of credit, or performance bond shall not be repaid to the. subdivider until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit, letter of credit, or performance bond as outlined in the sub divider's contract.

Section 6050 Inspections

Periodic inspections during the installation of improvements shall be made by the Code Enforcement Officer to insure conformity with the approved plans and specifications as contained in the sub divider's contract and this law. The subdivider shall notify the Code Enforcement Officer when each phase of improvements is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond, letter of credit, or certified deposit as designated in the sub divider's contract to cover cost of such completed work.

Section 6060 Acceptance of Public Improvements

When the Code Enforcement Officer following final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installation and improvements have been completed in accordance with the sub divider's contract, the Town Board may, by resolution, proceed to

accept the public improvements.

ARTICLE 7: MISCELLANEOUS PROVISIONS

Section 7010 Penalty Provisions

- A. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resist the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of no more than two hundred fifty dollars (\$250) or by imprisonment for not exceeding six (6) months, or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of this law.
- B. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

Section 7020 Waiver

The Planning Board may waive, subject to appropriate conditions, the provision of any or all of such improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which is its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

Section 7030 Fees and Forms

Application fees and application forms shall be adopted by Town Board resolution.

Section 7040 Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section or part of this local law.

Section 7050 Certification and Filing with County

The Town Clerk is hereby directed to forthwith file a certified copy of this local law with the Clerk of Lewis County.

Section 7060 Effective Date

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

