

**SUBDIVISION CONTROL LAW  
TOWN OF DENMARK**

**ADOPTED NOVEMBER 7, 1985**

*Amended Article 2 by Local Law 3-2003*

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## **ARTICLE I: 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 and Sections 276, 277, and 268 of the Town Law; the Town Board of the Town of Denmark authorizes and empowers the Planning Board of the Town of Denmark: to approve plats within that part of the Town of Denmark outside the limits of any incorporated city or 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, and the Planning Board is authorized and empowered to approve or disapprove (a) changes in the lines of existing roads, highways, or public areas shown on subdivision plats or maps filed in the office of the Clerk of Lewis County; (b) the laying out, closing off or abandonment of roads, highways or public areas under the provisions of the Town and highway laws within that part of the Town of Denmark outside the limits of any incorporated city or village.

### **Section 1020 Title**

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

### **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 Enforcement Officer.

### **Section 1050 Variance**

When in the opinion of the Planning Board undue individual hardship may result from strict compliance with this law; it may modify this law so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the intent and purpose of this law. In the case of a large scale development such as a neighborhood unit plan which would include provisions for housing, shopping, and recreation facilities, the Planning Board may modify this law providing such development shall include covenants, restrictions, and other legal provisions necessary to guarantee full achievement of such a proposed plan.

**ARTICLE 2: DEFINITIONS**

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

- Enforcement Officer** The Town of Denmark 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 or detail required by law and by this law to be presented to the Planning Board for approval, and which if approved; may be duly filed or recorded by the applicant in the Office of the County Clerk.
- General Plan** Means a comprehensive or master plan for the development of the Town prepared by the Planning Board pursuant to Section 272-a of the Town Law.
- Official Submission 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 Denmark.
- Preliminary Plat** Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form; and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.
- 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.
- Road, Collector** Means a road intended to serve heavy flows of traffic from local roads or as a business road providing access to business properties.
- Road, Local** Means a road intended to serve primarily as an access to abutting residential properties.
- Road, Private** Means a road privately maintained.
- 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: A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development

**Subdivision,  
Major**

A subdivision containing a total of four (4) or more lots filed with County Clerk within a five (5) year period, or any subdivision requiring a new road.

**Subdivision,  
Minor**

A subdivision containing three (3) or fewer lots fronting on an existing road filed with County Clerk within a five (5) year period.

**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 Denmark.

## **ARTICLE 3: REVIEW AND APPROVAL PROCEDURE**

### **Section 3010 General**

Minor subdivisions shall be processed in the following stages:

1. Sketch Plan Conference
2. Public Hearing.
3. Final Plat approval.

Major subdivisions shall be processed in the following stages:

1. Sketch Plan Conference.
2. Public Hearing.
3. Preliminary Plat approval.
4. Optional Public Hearing.
5. Final 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**

The subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Clerk will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the program as they relate to the Community General 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 him both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision by the Planning Board as defined by this law. Subdivisions classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat which shall be required for a major subdivision.

This step does not require formal application, fee or filing with the Planning Board.

### **Section 3040 Agricultural Subdivision Waiver**

If, at the sketch plan conference, the Planning Board determines that the subdivision is for agricultural purposes only, does not involve the creation of a new road or highway,

and does not include more than one lot of less than five (5) acres in area, the Planning Board may waive the subdivision review procedures and exempt the subdivision from this law.

#### **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 Preliminary Plat**

All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary 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 Preliminary Plat and supplementary material submitted for conformity to this law; 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 SEQR act on the draft environmental impact. Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the preliminary plat and state its reasons for disapproval.

**Notice of Public Hearing.** The hearing shall be advertised at least once in a newspaper of general circulation in the Town and notice of the hearing shall be posted in at least three prominent places at least five (5) days before the hearing. Notice of the hearing shall be mailed to the owners of all adjoining properties within one hundred fifty (150) feet of the subdivided property at least five (5) days before the hearing.

**SEQR Review.** The lead agency in the SEQR review process will be responsible for completion of a final Environmental Impact Statement. Statement findings must accompany approval of plat.

**Notice of Decision.** The action of the Planning Board shall be noted on three (3) copies of the Preliminary 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.

**Effect of Approval.** Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with this law and all requirements set forth by the Planning Board in their review of the preliminary plat; and any other State Health Department requirements.

#### **Section 3070 Final Plat**

All subdivisions, as defined herein, shall require Final Plat approval by the Planning Board:

The subdivider shall file an application for Final Plat approval on forms available at the Town Office, and accompanied by documentation as specified in Article 4 herein, to the Planning Board. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, and no later than six (6) months after the date of the preliminary plat approval.

**Optional Public Hearing.** A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of the public hearing.

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.

**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. Notice of the hearing shall be mailed to the owners of all adjoining properties within one hundred fifty (150) feet of the subdivided property at least five (5) days before the hearing.

**Waiver of Public Hearing.** If the final plat is in substantial agreement with the preliminary plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the plat within forty-five (45) days of the official submission date.

**Notice of Decision.** The subdivider shall be notified of the final action of the Planning Board in writing by certified mail and he shall record the Final Plat, or section thereof, in the Office of the Clerk of Lewis County, N.Y. within sixty (60) 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 final 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 final plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final 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 Plat Submissions**

1. Name and address of subdivider and professional advisers; including license numbers and seals.
2. Map of property; drawn to scale, at a scale of one (1) inch to fifty (50) feet; one (1) inch to one hundred (100) feet; or one (1) inch to two hundred (200) feet; 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 ten (10) feet intervals; or other suitable indicators of slope.
3. Copy of tax map(s).
4. Existing restrictions on the use of land including easements, covenants and zoning.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost.

### **Section 4020 Minor Subdivisions**

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

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on appropriate material, plus two (2) paper copies.
2. Information specified under Section 410, updated and accurate.
3. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
4. On-site sanitation and water supply facilities shall be designed to meet the specifications of the State Department of Health; and a statement to this effect shall be made on the application.

5. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
6. Additional information as deemed necessary by the Planning Board.
7. Any required fees.

#### **Section 4030 Preliminary Plat, Major Subdivision**

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

1. Three (3) copies of the plat map; drawn to scale. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. All information specified under Section 410; updated and accurate.
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 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 lines.
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 subbase; the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with approximate 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. A draft Environmental Impact Statement; if required.
14. Where the preliminary layout submitted covers only a part of the subdivider'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. Additional information as deemed necessary by the Planning Board.
16. Any required fees.

#### **Section 4040 Final Plat, Major Subdivision**

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

1. One (1) copy of the plat to be submitted to the County Clerk; drawn with ink on suitable material, plus two (2) copies. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. Proposed subdivision name and the name of the Town and County in which the subdivision is located; the name and address of record owner and subdivider; name, address, license number and seal of the surveyor and/or engineer.
3. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
4. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
5. The length and bearing of all straight lines; radii; length of curves and central angles of all curves; tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale; and true north point.
6. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
7. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
8. Approval of the State Health Department of water supply systems and sewage disposal systems proposed or installed.
9. An approved Environmental Impact Statement, if required.
10. Construction drawings including plans, profiles; and typical cross sections, as required, showing the proposed location; size and type of road; sidewalks; road lighting standards, roadside trees, curbs; water mains, sanitary sewer or septic systems; storm drains or ditches, pavements; and sub-base and other facilities.
11. Evidence of legal ownership of property.
12. Deed restrictions, existing and proposed in form for recording.
13. A certificate by the Enforcement Officer certifying that the subdivider has complied with one of the following alternatives:

- a. All improvements have been installed in accord with requirements of this law and with the action of the Planning Board giving approval of the preliminary plat, or
  - b. A performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvement.
14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this law.

**Section 4050 Waiver of Submission Requirements**

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

## **ARTICLE 5: DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS**

### **Section 5010 Road Design Standards, General**

**Conformity with General Plan.** The arrangement width, location and extent of collector roads and all local and private roads should conform and be in harmony with the General Plan for the Town. Roads not in the General Plan should conform to 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.

**Arrangement.** Local roads shall be designed to discourage through traffic, whose origin and destination is not within the subdivision.

**Location.** When a proposed subdivision is adjacent to or contains a State highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction: The Planning Board may require a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential districts, or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation. Railroad right-of-way shall receive similar consideration.

**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 sixty (60) degrees shall be approved. Road intersections shall be rounded with a radius of twenty-five (25) feet measured at right-of-way line 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. Road jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.

**Dead End Roads.** Each dead end road shall be provided with a turn around either deeded to the town or secured by easement deemed sufficient by the Town Highway Superintendent for snow plowing except in the case where such road shall not be offered for dedication. Dead end roads designed to be so permanently shall not be permitted unless provided with a turn around.

**Half Roads.** Dedication of a half road shall be prohibited, except when essential to the reasonable development of the subdivision in conformity with the other requirements of this law and where the Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half road is adjacent to a tract to be subdivided, the other half of the road shall be platted within such tract.

**Access.** In commercial and industrial districts, definite and assured provision shall be made for service access such as off road parking, loading and unloading consistent with and adequate for the uses proposed.

**Names and Numbers.** Names of new roads shall not duplicate existing or platted roads. 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 house numbering system now in effect in the Town.

**Road Signs.** The subdivider shall provide and erect road signs of a type to be approved by the Town Board at all road intersections prior to acceptance of the constructed roads:

**Trees.** If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.

#### **Section 5020 Construction Specifications for All Roads**

Roads shall be installed at the expense of the subdivider and shall meet construction standards appropriate for the intended level of use as required by the road design standards adopted by resolution of the Town of Denmark.

#### **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 Sidewalks**

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
2. Sidewalks shall be constructed to comply with the detail specifications of the Planning Board, and must conform to all State/Federal specifications for the handicapped.
3. Sidewalks shall be concrete or other approved material; and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas.

#### **Section 5050 Utilities**

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

1. Fire Protection: Hydrants to be of size, type and location specified by the Insurance Services Organization.
2. Street Lighting: Poles, brackets and lights to be of size, type and location approved by the local power company.
3. Electricity: Power lines shall be placed underground and shall be approved by the local power company.
4. Utility Services: Shall be located from six (6) to eight (8) feet from the front property line to the center line of the utility service between the sidewalk and curb line.

### **Section 5060 Water Supply**

1. Individual wells shall be installed at the expense of the subdivider to the approval of the Planning Board.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply 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 Sewage Disposal**

1. Individual septic systems shall be installed at the expense of the subdivider to the approval of the Planning Board.
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.
3. All sanitary sewage disposal systems shall meet the requirements of the New York State Department of Health to the satisfaction of the Planning Board.

### **Section 5080 Lots**

**Location.** All lots shall abut by their full frontage on a road to ensure suitable access.

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

**Double Frontage Lots.** Frontings 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 for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

### **Section 5090 Unique and Natural Features**

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similiar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. 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 5100 Public Open Spaces and Sites**

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the General Plan and be made available by one of the following methods:

1. Dedication to the Town, subject to the prior approval of the Planning Board and subject to the final approval of the Town Board.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the Town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the Town does not proceed with the purchase.
4. If the Planning Board determines that suitable park or parks of adequate size can not be properly located in the plat or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the Town of a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreational purposes including the acquisition of property.

The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Town as water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

#### **Section 5110 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. Before final approval, the subdivider shall in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

## **ARTICLE 6: BOND 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, sidewalks 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 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 final plat is approved, the developer shall have executed a subdivider contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond or certified check 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.

### **Section 6030 Extension of 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 or certified check deposit, 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 or check deposit 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 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 subdivider upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit 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 or performance bond as outlined in the subdivider's contract.

#### **Section 6050 Inspections**

Periodic inspections during the installation of improvements shall be made by the Enforcement Officer to insure conformity with the approved plans and specifications as contained in the subdivider's contract and this law. The subdivider shall notify the 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 or certified deposit as designated in the subdivider's contract to cover cost of such completed work.

#### **Section 6060 Acceptance of Roads and Facilities**

When the 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 subdivider's contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

## **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 not 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 violator of this law.

### **Section 7020 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 judgement shall not affect, impair or invalidate any other clause, sentence, paragraph, section or part of this local law.

### **Section 7030. 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 7040 Effective Date.**

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