

TOWN OF ALLEGANY

LOCAL LAW NO. 1, 1994

A LOCAL LAW REQUIRING PERMITS FOR PUBLIC IMPROVEMENTS

IN THE TOWN OF ALLEGANY

Be it enacted by the Town Board of the Town of Allegany as follows:

ARTICLE I

PURPOSE

1.1 The purpose of this Local Law is to require that all improvements intended by a property owner or developer to be dedicated to the Town of Allegany, or one of its Special Districts, either within a subdivision or as part of the development of a single parcel or parcels of land shall require a Public Improvement Permit to be issued by the Town of Allegany. Public improvement Permits must be obtained for the construction of all improvements intended to be dedicated to the Town of Allegany including but not limited to the following: roadways, curbs, gutters, sanitary sewers, ditches, channels, drainage systems, storm water sewers, water mains, water tanks, water towers, reservoirs and pump stations.

ARTICLE II

APPLICATIONS

2.1 Before the construction of any public improvement to be dedicated to the Town is commenced, the owner or developer shall apply to the Town Board through the Code Enforcement Officer, (hereinafter referred to as the C.E.O.), of the Town of Allegany for a Public Improvement Permit for the construction thereof. The application shall be based on completed plans and specifications for the public improvement project and shall be approved by the Town engineer. Such plans and specifications shall include a description of the proposed public improvements including locations, dimensions, type of material proposed to be used and detailed itemized quantities.

ARTICLE III

DETERMINATION OF COST OF IMPROVEMENTS

3.1 The estimated construction cost of the proposed public improvements shall be subject to the approval of the Town Engineer.

## ARTICLE IV

### FEES

4.1 Public Improvement Permit fees are intended to recover the cost of inspection of the construction of improvements. Such inspection shall be provided by the Town Engineer or by authorized agents or representatives of the Town Engineer. Fees for public improvement permits shall be determined on the basis of estimated construction costs of the proposed public improvements and shall be calculated in accordance with Article IV section 4.3 of this local law.

4.2 Public Improvement Permit fees shall be paid to the Town of Allegany through the C.E.O. at the time the application is submitted and said fees are non refundable.

4.3 Public Improvement Permit fees shall be three percent (3%) of the estimated cost of construction of said improvement.

## ARTICLE V

### PERFORMANCE BOND

5.1 Where, by action of the Town Board, the owner is permitted to defer to a later date the construction of required public improvements, or subsequent part or phase of the development of a subdivision or single lot or parcel, the owner shall furnish and pay for a performance bond, acceptable to the Town Attorney, for one hundred percent (100%) of the estimated construction costs of said required improvement. Such performance bond shall constitute security for the construction of the public improvements that has been deferred, within the time specified by the Town Board, in accordance with the approved plans and specification and for the payment of all persons performing labor and furnishing materials in connection with such construction.

5.2 The application for a Public Improvement Permit for any subdivision or parcel or lot where construction or required improvements has been deferred shall state the name and address of the surety company that has furnished the performance bond and the amount of said bond.

5.3 The Town Board may accept cash or certified funds to be placed in escrow with the Town in lieu of furnishing a performance bond. Such cash or certified funds will be released when the deferred work is completed and the Town Engineer has issued a certificate of approval.

## ARTICLE VI

### MAINTENANCE BOND

6.1 The owner or developer shall furnish and pay for surety bonds, acceptable to the Town Attorney, for the maintenance, restoration and replacement

of any parts of the public improvements where any unsatisfactory condition or damage developed due to defects in workmanship and materials, erosion, settlement of backfill or other causes within a period of one (1) year from the date of issue of the certificate of approval. The maintenance bond shall be for an amount of twenty five percent (25%) of the estimated cost of construction of the proposed improvements.

6.2 The application for a Public Improvement Permit shall state the name and address of the surety company that has furnished the maintenance bond.

## ARTICLE VII

### SPECIAL DISTRICT AGREEMENTS

7.1 Where applicable, prior to the issuance of a Public Improvement Permit, the owner or developer will be required to submit special district and homeowners association agreements acceptable to the Town Attorney. Easements and right-of-way deeds for water, sewer and drainage purposes must be duly filed with the Cattaraugus County Clerks office and a certified copy filed with the C.E.O.'s office prior to issuing of the Public Improvement Permit.

## ARTICLE VIII

### REQUIREMENTS OF OWNERS STATEMENT

8.1 The application for a Public Improvement Permit shall include statements by the owner, to be subscribed and sworn to before a notary public, to the effect that:

8.11 All work will be performed in accordance with approved plans and specifications and requirements of federal, state and local laws.

8.12 The owner will obtain and pay for all necessary permits.

8.13 The owner will commence work not later than six (6) months from the date of approval of the Public Improvement Permit and will complete all work within one (1) year of said date of approval.

8.14 The owner or developer will notify the Town Engineer one (1) week before commencing work authorized by the Public Improvement Permit.

## ARTICLE IX

### NUMBER OF APPLICATION COPIES

9.1 Application for Public Improvement Permits shall be submitted in quadruplicate to the C.E.O., together with six (6) complete sets of drawings (prints), one (1) set of reproducible mylars of the plans and six (6) complete copies of specifications for the project.

ARTICLE X

APPROVAL REQUIRED

10.1 Granting of a Public Improvement Permit will be contingent upon certification by the C.E.O. that the Public Improvement Permit fee has been paid, and written approvals of the Town Engineer, the Town Highway Superintendent, the Sewer and Water Superintendent or Public Works Superintendent, the C.E.O. and by resolution passed by the Town Board. Construction shall not begin prior to permit issuance.

ARTICLE XI

ISSUANCE OF CERTIFICATE OF APPROVAL

11.1 Upon completion of all work included in the Public Improvement Permit in a manner satisfactory to the Town Engineer, the Town Engineer will issue a Certificate of Approval.

ARTICLE XII

PENALTIES

12.1 Any violation of this local law is an offense, punishable by a fine not exceeding Five Hundred Dollars (\$500.00) per week, or imprisonment for a period not to exceed six (6) months, or both. Each weeks continued violation shall constitute a separate additional violation.

ARTICLE XIII

EFFECTIVE DATE

13.1 This local law shall take effect upon filing with the New York State Department of State.



DANIEL F. EATON, SR.,  
Allegany Town Supervisor

APPLICATION FOR PUBLIC IMPROVEMENT PERMIT  
(To be completed by applicant)

TOWN OF ALLEGANY, NEW YORK 14706

PIP No. \_\_\_\_\_

Date \_\_\_\_\_

Application is hereby made by \_\_\_\_\_

to construct Public Improvements to be dedicated to the Town of Allegany:

Location:

Tax map numbers of parcel(s) involved:

Type of Improvement:

Estimated cost of construction:

Is the proposed project in an existing or proposed Special District:  
(If a district is proposed please attach district agreements.)

Will work be deferred: yes/no  
Amount of performance bond:  
Name of company:  
Address of company:

Project description:

BY FILING THIS APPLICATION THE APPLICANT AGREES TO THE FOLLOWING STIPULATIONS:

1. All work will be performed in accordance with approved plans and specifications and requirements of federal, state and local laws.
2. The owner will obtain and pay for all necessary permits.
3. The owner will commence work not later than six (6) months from the date of approval of the Public Improvement Permit and will complete all work within one (1) year of said date of approval.
4. The owner or developer will notify the Town Engineer one (1) week before commencing work authorized by the Public Improvement Permit.

\_\_\_\_\_ being duly sworn deposes and says that he is the applicant above named. He is the \_\_\_\_\_ of said owners and is  
(Contractor, agent, officer, etc.)

duly authorized to perform or have performed the said work and make and file this application; that all statements contained in this application are true to the best of his knowledge and belief, and that the work will be performed in the manner set forth in the application and specifications filed herewith, and in accordance with applicable laws, ordinances, rules and regulations.

sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Notary Public, \_\_\_\_\_ County

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of C.E.O. / Date

PUBLIC IMPROVEMENT PERMIT  
(Official Use Only)

TOWN OF ALLEGANY, NEW YORK 14706

PIP No. \_\_\_\_\_

Date \_\_\_\_\_

Authorization is hereby granted to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to construct the following Public Improvement(s) to be dedicated to the Town of Allegany in accordance with plans filed.

PROJECT DESCRIPTION:

LOCATION:

PERFORMANCE BOND:

Amount of Bond \_\_\_\_\_

Name of Company \_\_\_\_\_

Town C.E.O. to verify the following items are attached:

Fee paid: Construction Cost \_\_\_\_\_ X .03 = \_\_\_\_\_.  
Performance bond attached if any work is to be deferred: yes/no  
Special district agreements, if needed: yes/no  
Maintenance bond: yes/no

Town Engineer to verify:  
Construction costs: \_\_\_\_\_.  
Plans & specifications approved: yes/no

\_\_\_\_\_  
Town C.E.O.

\_\_\_\_\_  
Town Engineer

\_\_\_\_\_  
Highway Superintendent

\_\_\_\_\_  
Sewer & Water Superintendent (or)  
Public Works Superintendent

\_\_\_\_\_  
Town Supervisor

CERTIFICATE OF APPROVAL  
(Issued after completion of project)

PUBLIC IMPROVEMENT PERMIT

TOWN OF ALLEGANY, NEW YORK 14706

PIP No. \_\_\_\_\_

Date \_\_\_\_\_

This certificate of approval is issued to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ and acknowledges satisfactory completion of the work authorized by  
Public Improvement Permit Number \_\_\_\_\_ issued (date) \_\_\_\_\_ in the Town  
of Allegany:

Location:

Type of Improvement:

Project description:

Maintenance Bond:

Amount of Bond: \_\_\_\_\_

Name of Company: \_\_\_\_\_

\_\_\_\_\_  
Signature of Town Engineer