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Draft Local Law No. 2 of 2026
April 8, 2026

Town of Homer
Local Law No. 2 of 2026
A Local Law Establishing a Procedure for Resident Requests to Convert Seasonal or Minimum Maintenance Roads to Year-Round Town-Maintained Roads

Section 1. Purpose and Intent
The Town Board finds that certain roads within the Town are designated as seasonal limited use or minimum maintenance roads under state law, which may restrict winter maintenance and other services. It is in the interest of the public health, safety, and welfare to provide a clear process by which abutting property owners may request the conversion of such roads to full year-round maintenance by the Town.

Section 2. Definitions
For the purposes of this Local Law:

A. **"Seasonal Road"** means a Town highway or portion thereof designated under Highway Law § 205-a as a seasonal limited use highway.
B. **"Minimum Maintenance Road"** means a Town highway or portion thereof designated under Highway Law § 205-c as a minimum maintenance road.
C. **"Year-Round Maintained Road"** means a Town highway that is maintained by the Town throughout the entire calendar year including, but not limited to, snow and ice removal, road surface maintenance, and other routine maintenance.
D. **"Petitioner"** means any person owning or occupying real property abutting the subject road segment and who may request conversion to a year-round maintained road.

Section 3. Petition for Conversion

A. **Eligibility:**
A Petitioner may file a Petition for Year-Round Maintenance with the Town Code Office for a Seasonal Road or Minimum Maintenance Road segment abutting the Petitioner's property. The Town Board shall only approve the conversion of a road to year-round maintenance at the request of a petitioner if budgetary and operational constraints allow, taking into consideration the factors listed in Section 4(C).
B. **Contents of Petition:**
The petition shall include:
   i. The road name, segment description, and map identifying the portion to be converted.
   ii. Property owner(s) names and parcel numbers of all abutting properties.
   iii. Reason(s) for the conversion request.
   iv. Evidence of road usage and necessity for year-round maintenance (e.g., number of occupants, emergency service access, mail delivery, school bus routes, etc.).
C. **Filing Requirements:**
   i. The petition must be signed by the Petitioner(s) and filed with the Code Office.

determine whether such work shall be performed at the Town's expense, at the expense of the benefitted property owners, or pursuant to other lawful cost-sharing or funding mechanisms, subject to the availability and appropriation of funds. Any costs to be borne by benefitted property owners shall be implemented only pursuant to a valid improvement district, special assessment, or written agreement approved by the Town Board and consistent with applicable law. Approval shall not obligate immediate construction or maintenance by the Town.

C. **State Environmental Quality Review (SEQRA):**
All actions taken pursuant to this Local Law shall be subject to review under SEQRA. The Town Board shall make all required determinations prior to final approval.

Section 6. Scope
No Section or subsection of this local law shall be construed to limit the Town's ability to develop new roads or road segments or limit the ability of the Town to convert Seasonal Roads or Minimum Maintenance Roads, at its discretion, without a request from a petitioner. This local law shall not infringe upon the statutory duties of the Town Highway Superintendent.

Section 7. Severability
If any clause, sentence, or provision of this Local Law shall be adjudged invalid, such judgment shall not affect the validity of the remainder.

Section 8. Effective Date
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C. **Filing Requirements:**

any additional improvements deemed necessary by the Town Highway Superintendent.

The Town Board may, in its discretion, require that such improvements be completed prior to the commencement of year-round maintenance and may determine whether such work shall be performed at the Town's expense, at the expense of the benefitted property owners, or pursuant to other lawful cost-sharing or funding mechanisms, subject to the availability and appropriation of funds. Any costs to be borne by benefitted property owners shall be implemented only pursuant to a valid improvement district, special assessment, or written agreement approved by the Town Board and consistent with applicable law. Approval shall not obligate immediate construction or maintenance by the Town.

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C. **Filing Requirements:**

i. The petition must be signed by the Petitioner(s) and filed with the Code Office.
ii. The applicable filing fee, if any, shall be established by Town Board resolution.

Section 4. Town Board Review

A. **Notice and Hearing:**
Upon receipt of a complete petition, the Code Officer shall present the petition to the town board and a public hearing shall be scheduled before the Town Board as soon as practicable, but generally within 60 days of initial filing.

B. **Notices:**
i. The Town Clerk shall publish notice of the hearing in a newspaper of general circulation in the Town at least 10 days prior to the hearing.
ii. Written notice shall be mailed by certified mail or first-class mail to the last known address on the tax rolls to all owners of real property abutting the affected road segment at least 10 days before the hearing.

C. **Considerations:**
In reviewing the petition, the Town Board may consider:
i. Public safety and welfare.
ii. Current and projected traffic volumes and usage.
iii. Emergency service and school transportation needs.
iv. Cost estimates for upgrading and maintaining the road year-round.
v. Advice from the Town Highway Superintendent.
vi. Comments received at the public hearing.

Section 5. Decision and Implementation

A. **Board Determination:**
Within 90 days after the public hearing, the Town Board shall:
i. Approve the conversion request by resolution,
ii. Approve with conditions, or
iii. Deny the petition, stating findings in writing. Nothing herein shall be construed to require the Town to approve any petition.

B. **Engineering and Upgrades:**
All work shall be performed under the direction and supervision of the Town Highway Superintendent in accordance with Highway Law. Prior to approval of a conversion request, the Town Board shall refer the matter to the Town Highway Superintendent to evaluate the subject road segment and to prepare a written report identifying any work required to bring the road into a condition suitable for year-round Town maintenance. Such work may include, but shall not be limited to, roadway widening to meet minimum Town standards, grading and shaping of the traveled way, reconstruction or stabilization of the road base, installation or improvement of drainage facilities, resurfacing, and the provision of adequate turnaround areas for snowplows and other Town highway equipment, together with

any additional improvements deemed necessary by the Town Highway Superintendent.

The Town Board may, in its discretion, require that such improvements be completed prior to the commencement of year-round maintenance and may determine whether such work shall be performed at the Town's expense, at the expense of the benefitted property owners, or pursuant to other lawful cost-sharing or funding mechanisms, subject to the availability and appropriation of funds. Any costs to be borne by benefitted property owners shall be implemented only pursuant to a valid improvement district, special assessment, or written agreement approved by the Town Board and consistent with applicable law. Approval shall not obligate immediate construction or maintenance by the Town.

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