

LOCAL LAW FILING

www.dos.state.ny.us/corps

(USE THIS FORM TO FILE A LOCAL LAW WITH THE SECRETARY OF STATE)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF ERWIN

Local Law No. 3 of the year 2011

A local law entitled "**ORDERLY MAINTENANCE AND PROTECTION OF TOWN ROADS**".

Be it enacted by the Town Board of the

Town of Erwin as follows:

**FILED
STATE RECORDS**

NOV 02 2011

SECTION 1 STATUTORY AUTHORITY:

DEPARTMENT OF STATE

This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

SECTION 2 POSTED ROADS:

All Town roads within the Town of Erwin are hereby posted, and any vehicles over 10 tons are prohibited from travelling on Town roads unless a Town of Erwin Highway Work Permit shall have been issued.

SECTION 3 LOCAL TRAFFIC:

The following shall be regarded as local traffic and are exempt from obtaining a Town of Erwin Highway Work Permit:

- Emergency vehicles
- School buses
- Agricultural and farm equipment and trucks
- Vehicles and combinations of government agencies and utilities or their contractors engaged in construction or maintenance.
- Local service vehicles such as garbage, propane, construction materials, etc. making fewer than three (3) trips per day on any highway segment.
- Those that have a valid Town of Erwin Highway Work Permit or Timber Harvesting Permit.
- Those that have a previously approved Town of Erwin Site Plan.

SECTION 4. RESTRICTIONS:

- a. *General Rule.* No over-posted-weight vehicle, except local traffic authorized under Section 3 of this Local Law (relating to local traffic), shall be driven on a posted highway with a gross weight in excess of the posted weight limit unless the posting authority has issued a Town of Erwin Highway Work Permit for the vehicle or vehicles in accordance with this section.
- b. *Agreement for Road Use, Repair and Improvement.* If not exempt per paragraph 3 above, issuance of a Town of Erwin Highway Work Permit to exceed a posted weight limit or limits will be conditioned on the agreement by the permittee to accept financial responsibility for repair or improvement of the posted highway or portion thereof to be used by the permittee. The agreement may provide for the work to be performed by the Town of Erwin or its contractor or by the permittee or its contractor.

SECTION 5. PENALTIES:

- a. *Operating without a Town of Erwin Highway Work Permit.* Any person operating a vehicle or combination upon a highway in violation of Sections 2, 3, or 4 of this Local Law is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.
- b. *Penalty for Violation of Town of Erwin Highway Work Permit.* Any person whose vehicle, combination or load is in violation of or not in compliance with any condition of a Town of Erwin Highway Work Permit and any person who violates or fails to comply with any condition of a Town of Erwin Highway Work Permit while operating or transporting a vehicle, combination or load, in addition to any other violation prohibited by this chapter, commits a summary offence and shall, upon conviction, be sentenced to pay a fine of \$500 for each violation.
- c. *Penalty for Operation with an Invalid Town of Erwin Highway Work Permit.* Any person who operates or moves an oversize or overweight vehicle, combination or load with an expired, void or invalidated Town of Erwin Highway Work Permit, in addition to any other violation prohibited by this chapter, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000 for each violation.

SECTION 6.

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law and parts thereof, inconsistent with this Local Law are hereby repealed.

SECTION 7.

This Local Law shall take effect immediately upon filing in the office of the Secretary of the State of New York in accordance with section twenty-seven of the Municipal Home Rule Law.