

TOWN LOCAL LAW NO. \_\_ OF THE YEAR 2008,  
A LOCAL LAW ENTITLED, TOWN OF NEWFIELD ROAD WEIGHT LIMITS LAW

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NEWFIELD AS  
FOLLOWS:

Section 1.

This Local Law is enacted pursuant to the authority of section 10 of the New York Municipal Home Rule Law and section 1660 of the New York Vehicle and Traffic Law. This Law shall be known and cited as the Town of Newfield Road Weight Limits Law.

Section 2.

A. This Law shall apply to all Town Roads in the Town of Newfield.

B. Upon the recommendation and report the Town Highway Superintendent indicating that it is in the public good and consistent with the maintenance of the Town Road in question, the Town Board may by order, rule or regulation:

1. Temporarily exclude from any portion of any Town Road any vehicle with a gross weight of over four or more tons or any vehicle with a gross weight in excess of any designated weight on any wheel, axle, any number of axles, or per inch width of tire when in its opinion such road would be materially injured by the operation of any such vehicle thereon. Such exclusion shall take effect upon the erection of signs on the section of road from which such vehicles are excluded, and a notice that such vehicles are excluded shall be published in a newspaper in the county where the road is situated. The exclusion shall remain in effect until the removal of the signs as directed by the Town Board. Upon written application by any operator of a vehicle subject to this section, the Town Board may issue a permit providing appropriate exemption to such vehicle, if it is deemed that said vehicle is performing essential local pickup or delivery service and that a failure to grant such permit would create hardship. Every such permit may designate the route to be traversed and contain other reasonable restrictions or conditions deemed necessary. Every such permit shall be carried on the vehicle to which it refers and shall be open to inspection of any peace officer, acting pursuant to his special duties, or police officer. Such permits shall be for the duration of the restriction imposed under this section.
2. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations from Town Roads specified by the Town Board. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the roads from which such vehicles and combinations are otherwise excluded.

3. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations in excess of any designated weight, designated length, designated height, or eight feet in width, from Town Roads or set limits on hours of operation of such vehicles on particular Town Roads or segments of such roads. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the roads from which such vehicles or combinations are otherwise excluded.
4. Adopt such additional reasonable orders, rules and regulations with respect to traffic as local conditions may require subject to the limitations contained in the various laws of the State of New York.

C. The Town Highway Superintendent shall cause to be posted any such road, bridge, culvert or structure which is subject to any restriction, regulation or limitation in accordance with section 1683 of the New York Vehicle and Traffic Law.

D. The provisions of Section 2.3 which permit the delivery or pickup of merchandise or other property along the roads on which such vehicles or combinations are otherwise excluded shall not be deemed to permit or allow delivery or pickup other than as set forth in this paragraph. Delivery or pickup shall include: the delivery or pickup of merchandise or other property to or from a site that can only be reached over such road; regularly scheduled garbage, trash or rubbish removal from any residence or business along such road; the delivery of building products or materials to a site that can only be reached over such road; the pickup or delivery of school children; the use of such road by farm machinery or equipment; the use by Town employees or independent contractors hired by the Town operating road equipment for paving, reconstructing, rebuilding or maintaining such road (including snow plowing); and the use by fire apparatus or other emergency equipment. Delivery and pickup shall not include regular and continuing use by such vehicles as a route to reach a particular site or as a through road between two or more other roads not subject to similar restrictions, regulations or limitations.

E. Any person convicted of violating this Law on the first such conviction may be punished by a fine not exceeding \$250.00 and/or by a period of imprisonment not exceeding 15 days. Upon the second such conviction of said person, the fine shall not exceed \$500.00 and/or 90 days imprisonment and for a third and all subsequent convictions the fine shall not exceed \$1,000.00 and the period of imprisonment shall not exceed 1 year for each such conviction.

F. Both the registered owner and operator of the vehicle in question shall be deemed a person subject to the provisions of this Law. Both the registered owner and the operator may be convicted of a violation of this Law and punished as set forth herein.

G. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to restrain by injunction the violation of this Law or any rule, regulation or order promulgated by the Town Board pursuant to this Law notwithstanding that this Law provides a penalty or other punishment for such violation.

### Section 3.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

### Section 4.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

### Section 5.

This Local Law shall take effect immediately upon filing in the Office of the State Secretary of the State of New York as provided in section 27 of the Municipal Home Rule Law.