

ARTICLE I

TITLE

This Local Law shall be known and cited as Local Law No. 2 of the year 2010 as "The Town of Erin Highway Preservation Law," for the Town of Erin, Chemung County, New York.

ARTICLE II

LEGISLATIVE FINDINGS

WHEREAS, the Town of Erin is charged with responsibility for keeping and maintaining public highways for the benefits of its residents and other, and

WHEREAS, the Town Board of the Town of Erin finds that the establishing of weight limits and other regulations regarding the use of Town highways by large vehicles is important to the protecting of the health, safety, and welfare of the residents of the Town of Erin and others traveling the Town roadways, and

WHEREAS, it is the purpose and intent of this Local Law is to insure that the Town of Erin highways are not damaged or harmed in any manner that causes extraordinary deterioration and/or wear and tear to highways maintained at public expense and to, therefore, reduce the cost of maintenance thereof. It is hereby the intent of the Town Board of the Town of Erin to protect the Town highways of the Town of Erin by the enactment of this Local Law.

ARTICLE III

AUTHORITY

This Local Law is adopted pursuant to the authority of New York State Town Law §130.7, New York State Highway Law §§103, 216, and 320, and New York State Vehicle and Traffic Law §385 (15) .

ARTICLE IV

REGISTRATION

Any person or entity operating, or contracting for the operation of, or being otherwise responsible for the operation of, the following classes of vehicles or machinery on any portion of the Town of Erin highway system is required to register with the Town of Erin Highway Superintendent. Said registration shall be on a form provided by the Town Highway Superintendent listing the name, address, and phone number of said person or entity, and approximate dates between which such hauling will take place, and the job sites to which said vehicles or machinery will be driven. Proof of workers compensation and insurance is also required. Each job site shall require a separate registration:

A. Motor vehicles, making more than one trip, with a gross weight of eight (8) tons or more, within one calendar day.

ARTICLE V
TEMPORARY OBSTRUCTION OF TOWN HIGHWAYS

The necessary obstruction of town highways by excavation of transmission or communication lines, utility lines, and/or pipelines in the Town of Erin's right of way, shall only be allowed under consent granted by the Town of Erin Superintendent of Highways. The reason for the requested obstruction and length of time the road will be closed shall be conveyed in writing to the Town of Erin Highway Superintendent when requesting a road be obstructed or closed.

ARTICLE VI
DUST CONTROL

The Town of Erin Highway Superintendent shall determine the type and means of dust control, if needed, for highway usage in connection with this Local Law. Any necessary dust control occasioned by the use of Town highways by those required to register pursuant to this Local Law shall be born by the person or entity so registering.

ARTICLE VII
LIABILITY FOR DAMAGES

Whomsoever shall cause injury or damage to highway surfaces, bridges, culverts, ditches, signs or any part of the Town of Erin highway system by means of obstruction, diversions of creeks and/or watercourses, dragging or skidding any material or any equipment with steel wheels, steel tracks, grousers or lugs, and/or by loads of such weight that will compromise the condition of the highway surfaces shall be responsible for the cost of any repair to any Town road necessitated by their action, and further, the Town may arrange for necessary repairs and charge said individual or entity for all related labor and materials at the prevailing rate.

A. Any operator who shall be held liable for the cost of restoration and/or repair pursuant to this Article of Local Law No. 2 of year 2010, who shall be again held liable for said cost within ten (10) years of the initial assessment of said cost shall be liable to the Town of Erin in an amount double the actual cost of such restoration and repairs of said highway.

B. Any individual or entity who shall be found liable to the Town of Erin for the cost of restoration and/or repairs pursuant to this Article of Local Law No. 2 of 2010 for a third time or more within ten (10) years from the original assessment of damages shall be liable to the Town in an amount equal to three (3) times the actual cost of such restoration and repairs of said highway.

ARTICLE VIII
TOWN OF ERIN NOT LIABLE FOR DAAMAGES

The Town of Erin shall not be held liable for any damages resulting to persons or property by reason of violation of this Local Law by any person or entity. Any damages to any persons or property caused by activities of individuals or entities in violation of this Local Law shall be solely and wholly the responsibility of those persons or entities, and the Town of Erin shall be held harmless therefrom.

ARTICLE IX

POSTING OF BOND

The Town of Erin Highway Superintendent may require posting of bond to protect town highways from damage by owners or operators of any vehicle or vehicles, making trips over said roadways with a gross weight of eight (8) tons or more; the amount of such bond to be determined by the Erin Town Highway Superintendent.

ARTICLE X

EXEMPTIONS

The following vehicles are exempt from the provisions of this Local Law:

- A. Emergency vehicles
- B. School buses
- C. Vehicles and equipment compatible with the Erin Right-to-farm law.
- D. Town Highway vehicles
- E. Any other vehicle or equipment that the Erin Town Board may designate by resolution.

ARTICLE XI

SPECIAL CONDITIONS

The Town of Erin Highway Superintendent shall be given one week's notice by any operator, person, or entity operating, or causing to be operated, of the operation of any vehicle required by this Local Law to be registered over any Town roadway, of the date when said operator intends to begin activity and prompt notice upon completion of said operations shall be given to the Town of Erin Highway Superintendent.

ARTICLE XII

VIOLATIONS

Any person or entity required by this Local Law to register its vehicle and/or operations who shall operate a vehicle or otherwise operate without registering in accordance with this Local Law, shall be guilty of a violation of this local law and shall be subject to those penalty provisions provided in the Town of Erin Comprehensive Zoning Law, Local Law No. 10 of 1990, as amended.

ARTICLE XIII

STOP WORK ORDERS

In addition to any other remedies and/or penalties set forth in this Local Law, the Town of Erin Highway Superintendent shall have the right to commence any action and/or take any other steps allowable by Law, including the issuance of Stop Work Orders, in order to immediately halt the operation of any vehicles or other equipment in violation of this Local Law.

ARTICLE XIV
SEVERABILITY

If any section, subsection or phrase, or word of this Local Law is declared to be invalid, such invalidity shall not affect any other portion of this Local Law.

ARTICLE XV
REPEALER

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

ARTICLE XVI
EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.