

Extra copy of
Local Law to
Attach to minutes

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

~~County~~ of BROOKFIELD
~~City~~ of
~~Town~~ of
~~Village~~ of

Local Law No. 12 of the year 2011

A local law authorizing the Town Highway Superintendent to Temporarily
(Insert Title)
Exclude Certain Vehicles from Town Roads
.....
.....

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~ of Brookfield
~~City~~ of as follows:
~~Town~~ of
~~Village~~ of

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- Section 1. Authority - This local law is adopted pursuant to Vehicle & Traffic Law Section 1660(11) and Section 1603 and also pursuant to the Municipal Home Rule Law.
- Section 2. Purpose - The purpose of this local law is to keep local roads open and passable for school buses, fire trucks, emergency vehicles, ambulances, police vehicles and personal vehicles, to protect the lives, health, safety and property of local residents. The Town Highway Superintendent is authorized by this local law to make certain decisions because of the need to promptly respond to changing weather, road and traffic conditions.
- Section 3. Excluding Vehicles - The Town Highway Superintendent is hereby authorized to temporarily exclude from any portion of any town highway any vehicle with a gross weight of over four or more tons, or any vehicle with a gross weight in excess of two tons on any axle, when in his opinion such highway 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 highway from which such vehicles are excluded, and a notice that such vehicles are excluded shall be published in the official newspaper of the Town. The exclusion shall remain in effect until the removal of the signs, as directed by the Highway Superintendent or the Town Board.
- Section 4. Permits - 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 a 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 local law.
- Section 5. Penalties - Every person convicted of a traffic infraction for violating this law shall for a first conviction thereof be punished by a fine of not less than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than five hundred dollars or by imprisonment for not

more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than one thousand dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment, and upon said third offense the vehicle may be impounded until the case is resolved and any fine is paid.

Section 6. Effective date - This Local Law shall take effect upon filing with the Secretary of State.