

TOWN OF WINDSOR

LOCAL LAW NO. ____ OF THE YEAR 2018

A LOCAL LAW ENTITLED “WEIGHT LIMITS ON TOWN ROADS”

Be it enacted by the Town Board of the Town Windsor as follows:

Section 1. Purpose.

The purpose of this local law is to set weight limits on certain roads in order to preserve the roads in the Town of Windsor.

Section 2.

A Weight Exclusions. In accordance with the provisions of this local law, all vehicles used for commercial purposes are excluded from the Town or parts of Town described below:

Anne from John White to Honey Hollow	5 tons
Phillips	5 tons
Johns White	5 tons
E. Bosket	5 tons
Cascade Valley	5 tons
Barton	30 tons
Bennett	30 tons
Honey Hollow	40 tons
Anne from Trim Street to John White	40 tons
Hargrave	40 tons
Blatchley	40 tons
Williams	40 tons
Atwell Hill	40 tons
Vinegar Hill	40 tons
Ostrander	40 tons

B. Valid Permits. In accordance with the provisions of this local law, all heavy construction vehicles with weight in excess of the aforementioned tonnage, except those providing public services deemed necessary in preventing emergencies or in safeguarding the public health, safety and welfare (i.e., municipal maintenance vehicles, garbage/refuse trucks, school buses, and emergency vehicles) are excluded from the roads or parts of roads except those with a valid permit issued as provided in paragraph C of this article. This permit will describe what town roads each vehicle may travel and roads not listed are off limits for that vehicle. In issuing the permits, the amount of

travel, frequency of travel, time of year of travel, and the loaded weight of the vehicle, and road stability will all be considered to determine which roads are used by each vehicle.

C. Permits and transfer of permits.

(1) Vehicles which require access to Town roads may be issued as individual or fleet permits issued in the name of the applicant and identifying covered vehicles by model year, manufacturer's name, vehicle identification number and registration number (tag number). Said permits are subject to all terms and conditions of this Article.

(2) Vehicle indemnification. The applicant shall provide a hold harmless agreement and shall indemnify the Town for any damage caused to Town roads while operating thereon.

(3) Fees.

A. The following fee schedule shall apply to all permits issued under this Article:

Permit Time Period:	Up to 1	1 to 3	3 to 6	6 Months
	<u>Month</u>	<u>Months</u>	<u>Months</u>	<u>to 1 Year</u>
	\$10.00	\$15.00	\$25.00	\$50.00

B. Utility companies and authorities that are subject to a gross receipt franchise tax, or similar purpose tax, are excepted from the permit fee requirements

D. Damage.

(1) With the exception of normal wear and tear, the owner of any vehicle operated on Town roads, whether that vehicle has a valid permit or not, is responsible for all damages done to the roadways, ditches, curbs, sidewalks or other improvements and to public utilities in the roadway.

(2) Upon due notice being given to the owner and at its option, the Town may ask the vehicle owner to repair all damages or the Town may prefer to arrange the necessary repairs and charge the vehicle owner for all labor and materials at the prevailing rates. The highway shall be restored and the integrity of the repair maintained for a period of one year from the date of any repairs. Particular attention is called to the necessity of thoroughly compacting the back fill, which will be required by the Town. If the Town requests the Permittee to repair the damages, such repair will done to the specifications, time line and any and all other requirements of the Town.

E. Maintenance Bond and Liability Insurance.

(1) No permit shall be issued unless the person to whom the permit is to be issued shall have filed with the application for such permit a liability insurance policy or

certificate thereof naming the Town as an additional insured with the minimum limits of coverage for bodily injury equal to \$1,000,000.00 for each person injured, \$2,000,000.00 for aggregate bodily injury resulting from each occurrence, and \$500,000.00 property damage, (coverage for each vehicle).

(2) The applicant shall also file a maintenance bond or bank letter of credit in the amount of \$20,000.00, for each vehicle, in favor of the Town guaranteeing compliance with the provisions of the permit.

F. Stop Work Orders

The Highway Superintendent shall have the right and authority to issue stop work orders to those operating in violation of the terms of the local law, permit, or contrary to the permittee's application or conditions upon which its permit was issued.

G. Revocation of Permit

Upon the violation of any provisions of this permit, the Superintendent may suspend any permit issued hereunder for no more than thirty (30) days, and following a public hearing at which the permittee shall have the right to appear and be heard, may revoke any permit on notice to the permittee.

H. Special Conditions and Exclusions

(1) The permit shall not be assigned or transferred without the written consent of the Superintendent.

(2) The Superintendent shall be given one day's notice by said permittee of the date when it intends to begin the activity authorized by the permit, and prompt notice of its completion.

(3) The permit shall remain valid only for so long as the permittee continues to hold a valid New York State Hauling Permit, if one is necessary.

(4) The permit shall not authorize the holder to exceed the maximum gross weight limit authorized for crossing an R-Posted bridge.

I. Violation of Local Law; Penalties Therefore

(1) Any person who shall operate or move a vehicle or a combination of vehicles, the weights or dimensions of which exceed the limitations provided in Section 385 on town roads or highways without obtaining the permit required hereunder shall be guilty of a Class A misdemeanor, which shall be punishable by a fine not exceeding One Thousand (\$1,000.00) Dollars.

(2) In addition to the above prescribed penalties, the Town Board may in its discretion maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Local Law by injunction, abatement or otherwise compel cessation of each violation, and obtain restitution to the Town for costs incurred by the Town in remedying each violation, including but not limited to reasonable attorney's fees.

(3) In addition to those penalties prescribed herein, any person who violates any provision of this chapter shall be liable for a civil penalty in an amount not to exceed

\$5,000.00 for each day or part therefore during which such violation continues. The civil penalties provide by this subsection shall be recoverable in an action instituted in the name of the Town.

(4) If the violation is of a continuing nature, each twenty-four hour period during which it occurs shall constitute an additional, separate and distinct offense.

Section 3. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Repealer.

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

Section 5. Effective Date.

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