

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

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(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAR 31 2002

**MISCELLANEOUS
& STATE RECORDS**

~~XXXXXX~~
~~XXXXXX~~ of German
Town
~~XXXXXX~~

Local Law No. 1 of the year 2002

A local law entitled "RESTRICTION BY WEIGHT AND TYPE OF VEHICLES
(Insert Title) UTILIZING SEASONAL TOWN ROADS"

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

~~XXXXXX~~
~~XXXXXX~~ of German as follows:
Town
~~XXXXXX~~

SECTION ONE. LEGISLATIVE PURPOSE AND INTENT

1.0 By means of this local law it is the intent of the Town Board of the Town of German to prevent damage to and the destruction of the surface and roadbed of seasonal town roads by prohibiting travel thereon by certain types of vehicles and vehicles of a certain weight during a portion of the year for purposes of avoiding costly maintenance and repair expenses thereto necessitated by such vehicles use thereof.

SECTION TWO. LEGISLATIVE AUTHORITY

2.0 This local law is enacted pursuant to the authority vested in the Town Board by Vehicle and Traffic Law §1660(17) and Municipal Home Rule Law §10(6).

SECTION THREE. DEFINITIONS

3.0 The following words as used herein shall have the following definitions:
3.1 Town. The Town of German located in the County of Chenango, State of New York.

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

- 3.2 Seasonal Highway. All Town of German highways designated by the Town of German town highway superintendent as a seasonal limited use highway pursuant to Highway Law §205-a.
- 3.3 Prohibited Vehicle or Vehicles. Trucks, commercial vehicles, tractors, tractor-trailer combinations, having a gross weight of five (5) tons or more.
- 3.4 Person. Any person, partnership, company, corporation, limited liability company or any other legal entity.

SECTION FOUR. PROHIBITED CONDUCT

- 4.0 It shall be unlawful for any person to operate a prohibited vehicle as defined herein upon any seasonal highway as defined herein in the Town of German during the time period **December 1st** through April 1st of the year.
- 4.1 It shall be unlawful for any person at any time to alter, modify, fill or obstruct any ditch, ditching, culvert, or sluice located within the right-of-way of any seasonal highway or to install same within the right-of-way of any seasonal highway without the prior written consent of the town superintendent of highways.
- 4.2 It shall be unlawful for any person to operate upon a seasonal highway during the period **December 1st** through April 1st, any wheeled or tracked vehicle, machinery or equipment utilized in the cutting, skidding, loading and hauling of logs, timber, pulpwood or firewood without the prior written consent of the Town of German superintendent of highways.

SECTION FIVE. PENALTIES

- 5.0 Any person violating this local law shall be guilty of a violation punishable by a fine not in excess of Two Hundred Fifty Dollars (\$250.00) or by imprisonment not in excess of fifteen (15) days, or by both such fine and imprisonment. Each twenty-four hour period or portion thereof during which a violation occurs shall be deemed a separate offense. In lieu of or in addition to said penalties, the Town may initiate legal proceedings in a court of competent jurisdiction for injunctive relief, money damages or such other and further relief as appropriate.

SECTION SIX. SEVERABILITY

- 6.0 In the event any term, clause or provision hereof shall be deemed by a court of competent jurisdiction to be invalid, illegal, null and void, such ruling shall not affect the validity of the remaining terms and provisions hereof which shall continue in full force and effect.

SECTION SEVEN. AMENDMENTS

- 7.0 This local law may be amended by the adoption, by the town board, of an amending local law.

SECTION EIGHT. EFFECTIVE DATE

- 8.0 This local law shall be effective upon its filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2002 of the ~~(County)(City)(Town)(Village)~~ of German was duly passed by the Town Board on MAY 14 2002, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

