

TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK

Local Law No. 4 of the Year 2014

**A LOCAL LAW ADOPTING WEIGHT LIMITS FOR CERTAIN TOWN HIGHWAYS
IN THE TOWN OF TICONDEROGA**

Be it Enacted by the Town Board of the Town of Ticonderoga, as follows:

Section 1. Declaration of legislative findings

The Town, pursuant to Municipal Home Rule Law §10[1][ii][a][6] and the applicable provisions of Vehicle & Traffic Law §1660, and 1640, has the authority to adopt reasonable regulations for weight limits on Town highways in the Town of Ticonderoga. The Town Board finds that the age, base and construction of certain Town highways is not conducive to routine vehicle traffic in excess of certain bounds based on such highways. As such, it is the determination of the Town Board, upon consultation with the Town's Highway Superintendent, that the highways contained in this Local Law, as may from time to time be amended, shall be posted for weight limits as noted herein.

Section 2. Title and Authority

This Local Law shall be known as "Weight Limits for Certain Town Highways." It is adopted pursuant to Municipal Home Rule Law §10[1][ii][a][6] and the applicable provisions of Vehicle & Traffic Law §1660, and 1640.

Section 3. Highways and Weight Limits

The highways of the Town of Ticonderoga set forth below shall have the weight limits posted below for the distances identified below. All highways so posted shall be identified with appropriate signage as erected by the Town of Ticonderoga Highway Department.

<u>Highway</u>	<u>Distance</u>	<u>Weight Limit</u>
Warner Hill Road	Entire length thereof	15 tons

Section 4. Applicability

The weight limits set forth above shall apply to all vehicles, except the following:

- a. emergency vehicles including fire, police and EMS vehicles;
- b. vehicles engaged in the delivery or pickup of merchandise or other property along the excluded highways, provided that this exception shall not apply to construction vehicles including but not limited to dump trucks, cement trucks, and construction delivery vehicles;

c. any vehicle issued a permit pursuant to section 5 hereof, provided that such vehicle is operated in accordance with such permit requirements.

d.

Section 5. Permit

The Town Superintendent of Highways may issue a permit to any vehicle which may exceed the weight limits for the Town Highways so posted above. Such permit shall include the time duration, weight limit, times of operation, and such other information and conditions as to the Town Superintendent of Highways may be reasonable to protect the condition of the Town Highway. In addition, the Town Superintendent of Highways shall require such bond, letter of credit or cash undertaking to repair any damage arising from the use of said Town Highways by such permitted vehicle(s). Such permit or permits shall be issued to the owner of the vehicle who shall agree to indemnify, defend and hold the Town of Ticonderoga harmless from any and all claims, damages, causes of action, payments and fees arising from or related to any damage caused or contributed to by any such permitted vehicle.

Section 6 Penalties

A violation of any section of this Local Law shall be deemed a violation. Upon a conviction of a violation of this Local Law, such violation shall be punishable by a fine not to exceed \$150, or a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment. Upon a second conviction of a violation of this Local Law, both committed within 18 months, such violation shall be punishable by a fine not to exceed \$250, or a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment. Upon a third or subsequent conviction of a violation of this article, all committed within 18 months, such violation shall be punishable by a fine not to exceed \$500, or a term of imprisonment not to exceed 15 days, or by both such fine and imprisonment.

Section 7 Civil Relief

In addition to the penalties provided above, in the event of any damage to any Town Highway set forth in this Local Law caused by any owner or operator of any vehicle in violation of this Local Law, the Town may pursue in a court of competent jurisdiction, civil relief for the amounts necessary to repair said Town Highway, or for any other damages, costs or expenses incurred by the Town of Ticonderoga arising from or related to any vehicle operating on any such Town Highway in violation of this Local Law. Such action may be instituted by the Town Supervisor upon authorization from the Town Board.

Section 8 Severability

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation,

firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9 Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.