

LOCAL LAW
Town of Andover, NY

Local Law Number No.2 for the year 2011

A local law entitled Limiting the use of certain Town of Andover roads by Vehicles in
Excess of Eight (8) Ton total weight.

Offered by Harry Snoreck, Seconded by Wayne Grant

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

Section 1: Pursuant to section 1660, subdivision 1 of the New York State Vehicle and Traffic Law, all vehicles as that term is defined by section 159 of the Vehicle and Traffic Law, other than school buses, having a total weight in excess of eight (8) tons are hereby prohibited from using the entire length of the following named and described Town of Andover roads:

- 1) Baker Road
- 2) Barrett Road
- 3) Beils Fisher Road
- 4) Bines Hill Road
- 5) Brown Road
- 6) Bullard Road
- 7) Clair Road
- 8) Clark Road
- 9) Crandall Road
- 10) Davis Hill Road
- 11) Duffy Hollow Road
- 12) Dyke Road
- 13) East Valley Road
- 14) Flynn Road
- 15) Fulmer Valley Road
- 16) Gleason Road
- 17) Greenan Road
- 18) Hardy Hill Road
- 19) Hess Road
- 20) Hunter Road
- 21) Indian Creek Road
- 22) Jackson Road
- 23) Joe Lynch Road
- 24) Jones Road
- 25) Kilbane Road
- 26) Lever Hill Road
- 27) Lewis Road
- 28) Lynch-Casey Road
- 29) McAndrews Road

- 30) Mitchell Road
- 31) Pease Road
- 32) Perkins Road
- 33) Pingrey Hill Road
- 34) Pixley Hill Road
- 35) Quigg Hollow Road
- 36) Ray Hill Road
- 37) Snyder Gully Road
- 38) South Hill Road
- 39) Swain Hill Road
- 40) Warfield Gully Road

Section 2: Upon written application by any operator of a vehicle subject to this section, the Town Board or the Town Highway Superintendent may issue a permit providing an appropriate exemption to such vehicle, if the Board or Superintendent, in its/his/her sole discretion determine that said vehicle is performing an essential local pick up, delivery and /or service, and that a failure to grant such permit would create undue hardship. The Town Board or Town Highway Superintendent may impose any and all appropriate conditions upon any permit issued, as a condition for issuing such a permit. Such conditions may include, but not be limited to, posting a bond or other acceptable security, in an amount determined to be appropriate by the Board or Superintendent; limiting the times of usage, manner of usage, or other similar types of restrictions.

SECTION 3: This prohibition shall not apply to commercial vehicles making business or house deliveries to business or residences along said roads and highways, public utility vehicles or emergency vehicles.

SECTION 4: Any person who shall violate the provisions of this local law, be either operating a vehicle having a total weight in excess of eight (8) tons upon such roads or highways, shall upon conviction be punished as follows:

A. For a first offense a person shall be punished by a fine of not less than One Hundred (\$100) Dollars nor more than Two Hundred (\$200) Dollars, or by imprisonment for not more than fifteen (15) days or by both such fine and imprisonment.

B. For a conviction of a second violation, both of which were committed within an eighteen (18) month period, such person shall be punished by a fine of not less than Five Hundred (\$500), or by imprisonment for not more than forty-five (45) days or by both such fine and imprisonment.

C. For a conviction of a third and all subsequent violations, all of which were committed within an eighteen (18) month period, such person shall be punished by a fine of not less than One Thousand (\$1000) Dollars nor more than Two Thousand (\$2000) Dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

SECTION 5: This prohibition from usage shall take effect upon authorization by the Town Board of Andover, with the consent of the Town of Andover Highway Superintendent, and upon erection of signs on the Town Roads and Highways from which such vehicles are prohibited and upon publication of a notice, in the official newspaper of the Town that such vehicles are prohibited. Such prohibition shall remain in effect until the removal of the signs as directed by the Town Board or the Town Highway Superintendent.

SECTION 6: Any person operating a vehicle on any Town roads or Highways in violation of this Local Law and causing, destroying, breaking or injuring the surface of any Town Road or Highway, in any manner, shall be liable to the Town of Andover for treble damages pursuant to section 320 of the Highway Law of the State of New York, and this penalty shall be in addition to those listed above.

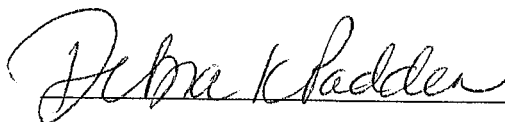
SECTION 7: The declaration or determination of invalidity of any section or portion of this local law shall not affect or impair the validity of any other section of this local law.

SECTION 8: This local law shall take effect immediately upon its filing in the Office of Secretary of State as required by law, and upon the posting of suitable signs upon all roads and highways to which the stated prohibition from usage applies, as set forth in section 1 above.

I hereby certify that the Local Law annexed hereto, designated as Local Law #2 of 2011 of the Town of Andover, was duly passed by the Town Board on the 9th of August, 2011, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript thereof and of the whole of such original Local Law, and was finally adopted in the manner indicated in the paragraph above.

SEAL



Debra K. Padden

Town Clerk

Town of Andover

Dated: _____

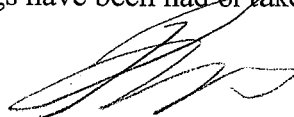
8/11/2011

STATE OF NEW YORK}

ss.:

COUNTY OF ALLEGANY}

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that the proper proceedings have been had or taken enactment of the Local Law annexed hereto.



Keith A. Slep,

Town Attorney

Town of Andover

Dated: _____

9-12-11