

**TOWN OF WAWAYANDA
NOTICE OF PUBLIC HEARING
PROPOSED LOCAL LAW**

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Wawayanda, New York, on September 7, 2017, a proposed local law entitled **“A LOCAL LAW TO AMEND CHAPTER 180 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF WAWAYANDA REGULATING THE WEIGHT OF COMMERCIAL VEHICLES ON TOWN ROADS.”**

The purpose of this Local Law is to amend the Vehicles and Traffic Code to institute strict weight limits on certain Town roads so that commercial vehicles in excess of specified weights cannot use those roads but, instead, will have to use other roads such as state routes that are more suitable for such traffic.

A complete copy of the proposed Local Law is available for inspection at the Town Clerk's Office.

NOW THEREFORE, pursuant to the Municipal Home Rule Law, and Section 29-1 of the Code of the Town of Wawayanda, the Town Board of the Town of Wawayanda, New York, will hold a public hearing on the aforesaid proposed Local Law at the Town Hall, 80 Ridgebury Hill Road, Slate Hill, New York on Thursday, October 5, 2017, at 7:00 P.M., or soon thereafter, at which time all persons interested therein shall be heard.

The Town of Wawayanda will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: September 21, 2017

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF WAWAYANDA
Kathryn A. Sherlock, Town Clerk

LOCAL LAW # _____ OF 2017

A LOCAL LAW TO AMEND CHAPTER 180 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF WAWAYANDA REGULATING THE WEIGHT OF COMMERCIAL VEHICLES ON TOWN ROADS

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WAWAYANDA, NEW YORK, AS FOLLOWS:

Section 1. Title

This Local Law shall be referred to as “2017 Amendments to the Vehicles and Traffic Code of the Town of Wawayanda Regulating the Weight of Commercial Vehicles on Town Roads.”

Section 2. Purpose of this Enactment

The Town Board of the Town of Wawayanda has, from time to time, adopted weight limits for trucks using Town roads. It has come to the attention of the Town Board that a certain road within the Town, particularly in a residential area, is used as a shortcut through the Town by commercial vehicles. Those vehicles generally are not using the Town roads to make local deliveries or for local purposes. The use of this Town road creates potentially dangerous situations for residents of this road and for children who live in that area. The purpose of this enactment is to amend the Vehicles and Traffic Code to institute strict weight limits on certain Town roads so that commercial vehicles in excess of specified weights cannot use those roads but, instead, will have to use other roads such as state routes that are more suitable for such traffic.

Section 3. Amendment of Existing §180-9 of the Code of the Town of Wawayanda.

The existing §180-9 of the Vehicles and Traffic Code of the Town of Wawayanda is repealed and replaced in its entirety by the following:

§180-9. Commercial Vehicles Exceeding Certain Weight Limits Excluded from Town Roads.

A. Commercial vehicles (including cargo) weighing in excess of the weight limitations listed and described in Schedule VI (§180-25 of the Vehicles and Traffic Code of the Town of Wawayanda), attached to and made part of this Chapter, are hereby excluded from and prohibited from operating on the Town roads, or any portion of the Town roads, listed and described in the said Schedule VI, with the following exceptions:

1. Commercial vehicles making a local delivery or pickup on or along a Town

road described in the said Schedule VI; or

2. Agricultural vehicles.

B. "Local delivery or pickup" is defined to include the operation of a commercial vehicle in excess of the stated weight limit on one of the Town roads described in §180-9 (A) above if such commercial vehicle is using the Town road to arrive at a specific destination in the Town of Wawayanda or to deliver goods or materials to or pick up goods or materials from a specific destination within a one mile radius of the Town road.

C. "Town road" is defined to include a road, street or vehicular passageway regularly maintained by the Highway Department of the Town of Wawayanda.

D. The presence of any commercial vehicle in excess of the stated weight limits contained in § 180-9 (A) above on any Town road or in any driveway or parking area adjacent thereto shall be presumptive evidence that said vehicle was operated on such Town road and used such Town road regardless of whether the vehicle is in actual operation when its presence is discovered.

E. Violators of this §180-9 are subject to the penalties contained in §180-19 of the Vehicles and Traffic Code of the Town of Wawayanda.

Article V Miscellaneous Provisions

180-19 Penalties for offenses.

A violation of the provisions of this section shall be punishable by the fine schedule entitled "Fine Schedule for Overweight Vehicles" annexed hereto and made a part hereof.

Section 4. Amendment of Existing §180-25 of the Code of the Town of Wawayanda.

The existing §180-25 of the Vehicles and Traffic Code of the Town of Wawayanda is amended to include the addition of the following:

Name of Road	Weight Limit (tons)	Location
Mt. Orange Road	6 tons	From U.S. Route 6 to County Route 49 Approximately 2,025 feet

Section 5. Severability of Provisions.

Should any section or provision of this Local Law be declared, ordered or adjudged null, void, voidable or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this Local Law.

Section 6. Effective Date

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

FINE SCHEDULE FOR OVERWEIGHT VEHICLES

Percent of Excess Weight Greater Than	Less Than or Equal To	Amount of Fine (Dollars)
0	2.0	\$ 150.00
2.0	4.0	\$ 300.00
4.0	6.0	\$ 450.00
6.0	7.0	\$ 525.00
7.0	8.0	\$ 600.00
8.0	10.0	\$ 750.00
10.0	12.0	\$ 950.00
12.0	14.0	\$1,150.00
14.0	16.0	\$1,350.00
16.0	18.0	\$1,550.00
18.0	20.0	\$1,750.00
20.0	22.0	\$1,950.00
22.0	24.0	\$2,150.00
24.0	26.0	\$2,350.00
26.0	28.0	\$2,550.00
28.0	30.0	\$2,750.00
30.0	32.0	\$2,950.00
32.0	34.0	\$3,150.00
34.0	36.0	\$3,350.00
36.0	38.0	\$3,550.00
38.0	40.0	\$3,750.00
40.0 or Greater		\$3,750.00* *plus \$125.00 for each percent over 40.0%