

RESOLUTION OF THE  
TOWN OF RENSSELAERVILLE  
TOWN BOARD

WHEREAS, the Town Board has been advised that certain Town Highways suffer damage by the operation of certain trucks and similar vehicles of heavy weight during the thawing season and at other times of the year; and

WHEREAS, the Town, pursuant to Section 130(7) of the Town Law and Sections 1603(e) and 1660(a)(11) of the Vehicle and Traffic Law of the State of New York, may enact a local law temporarily restricting the weight of vehicles traveling on Town Highways; and

WHEREAS, the Town Board has prepared the attached proposed Local Law to permit the imposition of temporary weight restrictions by the Highway Superintendent.

NOW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Rensselaerville that pursuant to the Municipal Home Rule Law and the General Municipal Law, a public hearing shall be conducted at the Town Hall on June 14, 2018 at 6:45pm on the attached proposed Local Law No. 3 of 2018, and notice of the time and place of such hearing shall be published on or before June 4, 2018 in a newspaper circulating in the Town.

By motion made by Marion Cooke and seconded by Jason Rauf the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Rensselaerville on the 10<sup>th</sup> day of May 2018 as follows:

<u>Town Board Member</u>	<u>Yes</u>	<u>No</u>	<u>Absent/Abstain</u>
Steven Pflieger, Supervisor	X		
Marion Cooke, Councilwoman	X		
John Dolce, Councilman			Absent
Jason Rauf, Councilman	X		
Margaret Sedlmeir, Councilwoman			Absent

End Resolution

**PROPOSED  
LOCAL LAW NO. 3 OF 2018**

**TOWN OF RENSSELAERVILLE, NEW YORK**

A local law to permit the imposition of temporarily weight restrictions for vehicles traveling on Town highways:

Section 1: Vehicles with a gross weight of six (6) tons or more are temporarily excluded from Town highways and during any schedule as determined by the Highway Superintendent based upon a determination that any such highway would be materially injured by the operation of any such vehicle thereon. The Highway Superintendent shall inform the Town Clerk and Town Board of any such determination. Such exclusion shall take effect upon the erection of signs on the section of highway from which such vehicles are excluded, and a notice that such vehicles are excluded shall be published in the official newspaper of the Town of Rensselaerville. The exclusion shall remain in effect until the removal of the signs, as directed by the Highway Superintendent or the Town Board.

Section 2: Upon written application by any operator of a vehicle subject to the restrictions of this section, the Highway Superintendent may issue a permit providing an appropriate exemption to such vehicle from any exclusions authorized above, upon a determination that said vehicle is performing essential local pickup or delivery service, or services related to maintenance, repair or installation of public improvements, and that failure to grant such permit would create a hardship. Every such permit may designate the route to be traversed and contain other reasonable restrictions or conditions deemed necessary. Every such permit shall be carried on the vehicle to which it refers and shall be open to inspection of any peace officer, police officer or town highway department officer. Such permits shall be limited to the time periods of the restrictions imposed under this section by the superintendent.

Section 3: The Town Board hereby delegates to the Highway Superintendent, pursuant to Vehicle and Traffic Law Section 1603(c), the authority set forth in Section 1 and 2, herein.

Section 4: In addition to injunctive and other relief, violators may be fined up to \$500 for each and every separate violation of the provisions of this law.

Section 5: This Local Law shall not apply to any fire or emergency vehicles, school busses owned by or under contract to a school district or school approved by the State Department of Education.

Section 6: The Highway Superintendent is responsible for erecting weight limit signs on town highways or section of highways from which overweight vehicles are excluded pursuant to this Local Law.

Section 7: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause,

sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 8: To the extent that this local law may be found to be inconsistent with any provision of the New York State Town Law, or any special law, the Town Board declares that it is its intent that this local law shall superseded any such inconsistent provision in order to effectuate the purposes of this local law.

Section 9: This Local Law shall take effect immediately upon its filing with the Office of the Secretary of State.