

# Local Law Filing

(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.

County  City  Town  Village  
(Select one.)

of GREENBURGH

FILED  
STATE RECORDS

JAN 05 2017

Local Law No. 6 of the year 20 16 DEPARTMENT OF STATE

A local law AMENDING ARTICLE II OF CHAPTER 460 ENTITLED "TRAFFIC REGULATIONS" BY  
(Insert Title)  
CREATING A NEW SUBSECTION 460-13.2 ENTITLED "DIMENSIONS AND WEIGHTS  
OF VEHICLES" AND A NEW SUBSECTION 460-13.3 ENTITLED "PENALTIES FOR  
OFFENSES" AS ESTBLISHED BY THE TOWN BOARD

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of GREENBURGH

as follows:

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



## TOWN of GREENBURGH

### Local Law No. 6 /2016

A local law to amend Chapter 460 of the Town Code of the Town of Greenburgh, pursuant to New York State Constitution Article IX and New York Municipal Home Rule Law § 10, by amending Article II of Chapter 460 entitled "Traffic Regulations" by creating a new subsection § 460-13.2 entitled "Dimensions and Weights of Vehicles" and a new subsection § 460-13.3 entitled "Penalties for Offenses" as established by the Town Board.

**BE IT ENACTED** by the Town Board of the Town of Greenburgh as follows:

- § 1. Title.
- § 2. Legislative Intent.
- § 3. Addition of new Subsection § 460-13.2. entitled, "Dimensions and Weights of Vehicles."
- § 4. Addition of new Subsection § 460-13.3. entitled, "Penalties for Offenses."
- § 5. Severability.
- § 6. Effective Date.

§ 1. Title.

This law is entitled, "A local law amending Article II of Chapter 460 entitled "Traffic Regulations" by creating a new subsection § 460-13.2 entitled "Dimensions and Weights of Vehicles" and a new subsection § 460-13.3 entitled "Penalties for Offenses" as established by the Town Board."

§ 2. Legislative Intent.

The Town Board finds that the health, safety and the welfare of inhabitants of the Town, and the protection and security of its highways, require that certain trucks, commercial vehicles, tractor-trailers and semitrailer combinations must be restricted from certain Town highways. The purpose of this Article is to exclude trucks and other similar vehicles exceeding certain designated maximum gross weights and dimensions from local highways in the unincorporated areas of the Town pursuant to the authority granted by New York State Vehicle and Traffic Law §1660.

§ 3. Addition of new subsection 460-13.2 entitled, "Dimensions and Weights of Vehicles."

Chapter 460 of the Town Code of the Town of Greenburgh is hereby amended with the addition of subsection 460-13.2 as follows:

**§460-13.2 Dimensions and Weights of Vehicles.**

Except as expressly permitted by the United States or the New York State Department of Transportation, and except where the requirement for local delivery will permit no alternate legal route, no person shall operate or move or cause or knowingly permit to be operated or moved on any local public road in the unincorporated area of the Town of Greenburgh any vehicle or combination of vehicles of a size or weight exceeding the maximum gross weight, width, height, and length specified by the manufacturer of the vehicle.

§ 4. Addition of new subsection 460-13.3 entitled, "Penalties for Offenses."

Chapter 460 of the Town Code of the Town of Greenburgh is hereby amended with the addition of subsection 460-13.3 as follows:

**§460-13.3 Penalties for Offenses.**

Notwithstanding any other penalty section in this chapter, the violation of the provisions of §§ 460-13A(2)-(6) and B of this Chapter shall be punishable by a fine of not less than \$200 nor more than \$500 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, for the first offense; by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not more than 60 days, or by both such fine and imprisonment, for the second or subsequent offense.

Violation of the provisions of §460-13A(1) or § 460-13.2 of this chapter shall be punishable by fines levied on the operator of the vehicle or the registered owner of the vehicle, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee, in accordance with the following schedule:

<b>Percentage of Excess Weight</b>		<b>Amount of Fine</b>
<b>Greater Than</b>	<b>But Less Than or Equal to</b>	
0%	5%	\$500
5%	10%	\$650
10%	15%	\$800
15%	20%	\$1050
20%	25%	\$1,300
25%	30%	\$1,900
30%		\$2,750
		plus \$125 for each additional 1% over 40%

Note: Where the excess weight is greater than 10% in excess of the limits specified by a permit issued by the United States or New York State Department of Transportation, the permit shall, for the purposes of computing the fine, be deemed void, and the amount of the fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.

§ 5. Severability.

The provisions of this local law are intended to be severable. If any provision of this local law is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such findings shall not be deemed to invalidate the local law as a whole, nor any other section or provision thereof, other than that which is found to be unconstitutional or otherwise invalid.

§ 6. Effective Date.

This local law shall take effect immediately upon 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. 6 of 20 16 of the ~~(County)(City)~~(Town)(Village) of GREENBURGH was duly passed by the TOWN BOARD on DECEMBER 16, 20 16, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ *(Elective Chief Executive Officer\*)*

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) *(Name of Legislative Body)* (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.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*[Handwritten Signature]*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/29/16

