

# 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 Cortland

**FILED  
STATE RECORDS**

**JUN 20 2014**

Local Law No. 6 of the year 2014

**DEPARTMENT OF STATE**

**A local law** A Local Law Restating Local Law No. 6 of 2011 Providing That a Road Preservation Permit  
(Insert Title)

Shall Be Required for Use Of County Roads By Vehicles Which Exceed the Weight or

Dimensional Limits in NYS Vehicle and Traffic Law sections 385 and 1650(4)

Be it enacted by the Legislature of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Cortland

as follows:

See Attached

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

(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 2014 of the County(City)(Town)(Village) of Cortland was duly passed by the Cortland County Legialture on June 12 2014, 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 1 above.

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

Date: 6-17-14

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF Cortland

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

Harun R Howe  
Signature  
County Attorney  
Title

County  
City of Cortland  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: 6-17-14

**Adopt Proposed Local Law "6" of 2014 A Local Law Restating Local Law No. 6 of 2011 Providing That a Road Preservation Permit Shall be Required for Use Of County Roads by Vehicles Which Exceed the Weight or Dimensional Limits in NYS Vehicle and Traffic Law Sections 385 and 1650(4)**

WHEREAS, said Local Law has been in its final form upon the desks of the members of the Legislature at least seven (7) calendar days, exclusive of Sunday, prior to this date; AND

WHEREAS, a public hearing thereon has been held before this Legislature after publication of notice thereof as legally required;

NOW THEREFORE, BE IT RESOLVED, that proposed Local Law "G" for the year 2014 is hereby adopted and shall take effect upon the filing thereof in the Office of the Secretary of State as provided by Municipal Home Rule Law, and be it further

RESOLVED, that the Clerk of the Legislature shall cause an abstract of this local law to be published in the County's official newspaper at least once a week for two successive weeks, the first publication of which shall be had within ten days after the local law becomes effective;

NOW, THEREFORE

**BE IT ENACTED** by the Legislature of the County of Cortland as follows:

**Section 1.** Legislative Intent

The Cortland County Legislature hereby finds that the County could be facing a variety of impending major development projects that may result in extraordinary high-intensity traffic to and from development sites causing significant and measurable damage to Cortland County roads which may impair the health and safety of its residents and others who use the roads. The damage that results from high-intensity traffic must be anticipated, reviewed, analyzed and repaired promptly and to proper and appropriate engineering standards. The Legislature has further determined that it is in the best interest of the general public and taxpayers to assign responsibility for the repair of damage to County roads to an appropriate standard prior to the commencement of the activity, for those responsible for the damage rather than to all County taxpayers. The purpose of this law is to maintain the safety and general welfare of County residents by regulating heavy use of County roads that could adversely affect our roads. The maintenance of its roads are important to the safety and economic well being of the County and its residents.

## **Section 2.** Authority

The County is authorized to adopt this Local Law pursuant to Section 385 and 1650 of the Vehicle and Traffic Law of the State of New York to require truck users to enter into a road preservation, use and repair agreement to operate or move a vehicle or a combination of vehicles which the Superintendent of Highways determines exceed high-frequency, high-impact truck traffic.

High-Frequency, High-Impact traffic shall mean traffic to and from a single project site that generates more than ten (10) truck trips per day for more than four (4) consecutive days involving trucks that exceed 20 tons (truck and load combined) that could impact the roads of Cortland County.

## **Section 3.** Form

The Road Preservation Use and Repair Agreement shall be in accordance with Exhibit “A” attached hereto. The Superintendent of Highways for Cortland County shall have the sole discretion in determining whether a Road Preservation; Use and Repair Agreement is required.

## **Section 4.** Enforcement

The County Highway Superintendent, in consultation with the County Attorney, shall enforce the provisions of this Local Law and all rules and regulations and designations made pursuant thereto. Such enforcement shall include, but not be limited to, legal and equitable proceedings without limitation and action for specific performance brought in the name of the County.

## **Section 5.** Penalties for Offenses

A. Any person who violates this article shall be guilty of a violation and subject to a fine of not more than \$1000.00 and/or imprisonment for not more than fifteen (15) days. Each and every act committed that is prohibited by this law shall constitute a separate violation. Each time a vehicle travels on a County Road without a permit as required by this law shall constitute a separate violation. Violations may be prosecuted by the County District Attorney or any other person with authority to prosecute violations within the County.

B. Upon failure of any permittee to comply with the requirements of this article, the permit shall be subject to suspension, revocation or to the imposition of conditions.

## **Section 6.** Invalid Segment

Should any section or provision of this Local Law be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part declared to be invalid.

**Section 7.** Effective Date

This local law shall take effect upon the filing thereof in the Office of the Secretary of State as provided by the Municipal Home Rule Law.

**STATE OF NEW YORK ) SS:  
COUNTY OF CORTLAND )**

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 12th day of June, 2014 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand  
and the official seal of the CORTLAND COUNTY  
LEGISLATURE, this 12th day of June, 2014.

  
\_\_\_\_\_  
**Jeremy D. Boylan, Clerk of the Legislature  
Cortland County**