

Section 1 - Title

This Local Law shall be known as "Weight Limitation for the Operation of Motor vehicles in the Village of Avoca."

Section 2 - Definitions

"Village" shall mean Village of Avoca, New York.

"Motor Vehicle". Every vehicle which is self-propelled by electric power, gasoline or other such propellants.

"Vehicle". Every device in, upon or by which any person or property is or may be transported or drawn upon a highway in the Village of Avoca.

"Streets of the Village". For the purposes of this Local Law, the streets of the Village shall mean those streets or parts of streets that are not maintained by the State of New York.

Section 3 - Purpose

This Local Law is to protect the use of the streets of the Village. To promote the safety and quality of life of the residents of the Village by limiting and/or prohibiting heavy motor vehicles from passing through on the streets of the Village.

Section 4 - Weight Limitation

It shall be unlawful to operate a motor vehicle on the streets of the Village in excess of ten (10) tons.

Section 5 - Exceptions

The provisions of this Local Law shall not apply to the following:

1. Fire and emergency vehicles.
2. Vehicles owned, operated, or contracted for the construction, reconstruction, repair or maintenance of the roadways, property or facilities of the Village of Avoca, or any municipal roadways, property or facilities served by such roadways, of any municipality of the State of New York, where said roadway terminates at the Village boundaries, provided any such vehicle complies with the safety requirements of the laws and regulations of the United States and of New York State.
3. Vehicles owned or contracted for maintenance of highways or property of the Town of Avoca.

4. State and/or municipally owned vehicles engaged in snowplowing, ice clearing or other emergency type operations.
5. Vehicles used in the production or transportation of agricultural products, while properly carrying agricultural registration plates.
6. Vehicles travelling through the village for the purpose of carrying agricultural products which are produced on lands served by roadways which terminate in the Village of Avoca.
7. Any Vehicles while using State Route 415 or Interstate Route 390.

Such exclusion by weight shall not be construed to prevent the delivery or pick-up of merchandise or other property along the streets of the Village from which such vehicles and combinations of such vehicles are otherwise excluded. Likewise, such exclusion by weight shall not apply to the operation of motor vehicles owned, leased or contracted by businesses or individuals which are located or reside within the Village.

Section 6 - Fines

Every motor vehicle operated on the streets of the Village in violation of this Local Law shall be ticketed, and the owner of said motor vehicle shall incur a fine as prescribed under Section 385 of the Vehicle and Traffic Law of the State of New York.

Section 7 - Signs

The Village Street department, or other person designated by the Mayor and Village Board shall cause signs to be posted at the entrances to the Village indicating such limitations or prohibition.

Section 8 - Amendment

Upon the effective date of this Local Law, any prior inconsistent ordinances and/or local laws affecting the operation of motor vehicles in the Village of Avoca, shall be amended. This amendment shall not affect any other Local Laws and/or ordinances not inconsistent herewith. Said Local Laws and/or ordinances shall remain in full force and effect.

Section 9 - Invalidity

The invalidity of any section or provision of this Local Law or any part thereof or any section of the Vehicle and Traffic Law incorporated by reference herein shall not invalidate any other section or provision thereof.

Section 10 - Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State's Office, following its approval by the Village Board.

Section 11 - Sunset Provision

This Local Law shall expire and terminate two years from the effective date of its filing with the Secretary of State. If, at that time, ~~the~~ Village Board desires to authorize and pass another weight limit law it shall cause a study and report of the results of such study to the Village Board on the following matters:

- A) Did this local law on weight limits achieve the intended results?
- B) Were there any unforeseen effects, repercussions, or undesirable ramifications that resulted from the passage and/or enforcement of this Local Law?
- C) What changes, if any, should be made (and why such changes are necessary) if this law is proposed to be extended?