

LOCAL LAW NO. 1 OF 2015

AUTHORIZING PIERCEFIELD TOWN HIGHWAY SUPERINTENDENT TO ISSUE “STOP WORK” ORDER

Purpose:

This Local Law is enacted this 16th day of April, 2015 by the Town Board of the Town of Piercefield, St. Lawrence County, New York pursuant to the provisions of any applicable St. Lawrence County and New York State law, for the purpose of authorizing the Superintendent of Highways of the Town of Piercefield to issue a “Stop Work” Order to any entity deemed by the Superintendent of Highways to be causing such damage to the Town Highways that safe travel by motorists is compromised.

Section 1: Definitions

Heavy Equipment – Any vehicle or machinery exceeding six (6) tons, or any vehicle or machinery riding on chains or tracks in addition to or instead of rubber tires, or any vehicle or machinery having rubber tires whose inside diameter is in excess of twenty-five (25) inches.

Highway Superintendent – the current duly elected or appointed Superintendent of Highways of the Town of Piercefield (or in his absence, the Town Supervisor), whose responsibility it is to keep the Town and County roads under his jurisdiction in good repair and safe for vehicular traffic.

Jobber – Any commercial or private entity operating heavy equipment, engaging in any activity that requires frequent and repeated traverse on Piercefield Town roads, and/or St. Lawrence County roads within Piercefield Town limits.

Road – Any Town or County Road within the Piercefield Town limits, paved or unpaved, that is routinely maintained by the Town Highway Department. The shoulder of the road and all that area up to the limits of the Right of Way are included in this definition.

“Stop Work” Order - A document presented by the Town Highway Superintendent to the Jobber requiring the Jobber to immediately cease all activity in which the Jobber is engaged, and to immediately correct, repair, restore, and continually maintain at his own expense, any section of road that has been damaged by the Jobber, to such condition as considered by the Town Highway Superintendent to be safe for everyday vehicular traffic.

The “Stop Work” Order shall describe the type of damage done by the Jobber, the length of highway affected, the time allotted for repairs to be made, the conditions to be satisfied before the “Stop Work Order can be lifted, and the penalty for non-compliance or failure to satisfy all conditions therein described to the satisfaction of the Town Highway Superintendent.

Section 2: Issuance of “Stop Work” Order

At any time the Piercefield Town Highway Superintendent determines that a Jobber has damaged any road within Town limits, to the extent that the Superintendent deems the road unsafe for everyday vehicular traffic, he shall immediately serve the offending Jobber with a written “Stop Work” Order. The Jobber, upon receipt of said “Stop Work” Order shall immediately cease operations in which he would normally be engaged, and comply with the

directives described within the “Stop Work” Order, to the satisfaction of the Town Highway Superintendent. The Jobber may resume his own work only with permission from the Town Highway Superintendent and must maintain the section of road he is using in a safe condition for the duration of his use of heavy equipment on Town roads.

Section 3: Violations

At any time the Jobber refuses to accept or comply with the requirements of a “Stop Work” Order, the Highway Superintendent shall notify the New York State Police to enforce the “Stop Work” Order.

Section 4: Penalty

Refusal to comply with a “Stop Work” Order shall be considered a Criminal Misdemeanor Violation subject to a minimum one thousand dollar (\$1,000.00) fine in Piercefield Town Court and five hundred dollars (\$500.00) for each additional day that the road remains unsafe for vehicular traffic.

Section 5: Revisions

Revisions to this Local Law shall be made by Resolution of the Town Board of the Town of Piercefield, St. Lawrence County, New York.

Section 6: Disclaimer/Severability

- a. The provisions of this Local Law shall not supersede any Highway Safety Law of St. Lawrence County or New York State.
- b. Any part of this Local Law that is deemed unconstitutional shall be ineffective in and of itself, but all other parts of this Local Law shall remain in full force and effect.

Section 7: Effective Date

This Local Law shall go into effect upon filing with the New York State Department of State.