

LL 1991-003

AUTORIZEREMOVALOF OBSTRUCTIONS
FROM TOWN HIGHWAYS AND RIGHTS
OF WAY

LETTER WRITING BOARD TOWN AMITY

TOWN OF AMITY
HIGHWAY DEPARTMENT
SELMONT, NEW YORK 14813

LOCAL LAW NO. 91-3

A local law to authorize the removal of obstructions from town highways and rights of way in the Town of Amity during the winter months from November 1 to April 1.

Be it enacted by the Town Board of the Town of Amity as follows:

Section 1: LEGISLATIVE INTENT:

This local law requires highways and rights of way of all roads within the Town of Amity to be clear of all obstructions that impede the operation of snow and ice removal equipment during the snow and ice season.

Section 2: DEFINITIONS:

Right of Way: The term right of way shall include all portions of the town highway owned or maintained by the town or used for public travel.

Obstruction: The term obstruction shall include, but not be limited to, vehicles, machinery, rubbish, waste, logs and any other matter that impedes the operation of snow and ice removal.

Section 3: DISPOSITION OF OBSTRUCTIONS:

The superintendent of highways shall make every effort to contact the owner of such obstruction and require that it be removed immediately. It shall be the responsibility of each owner to remove said obstruction from a town road whenever snow removal operations are in progress, notwithstanding any other section, or part thereof, of this local law. If the owner of the obstruction cannot be found within a reasonable time, the superintendent of highways shall have the power to cause the immediate removal of the obstruction from the right of way. In cases where the ownership cannot be determined, the property/landowner shall be deemed to be the owner. In any case where an obstruction has been removed by the superintendent of highways, the superintendent shall contact the New York State Police or the Allegany County Sheriff's Office for the purpose of issuance of a summons to the owner. If the obstruction is a vehicle, the town shall make a report to the commissioner of motor vehicles as required under the Vehicle and Traffic Law.

Section 4: FINES AND PENALTIES:

Where an obstruction has been removed, the owner of the such obstruction shall be charged the total cost of removal, disposition and storage thereof. The schedule of such costs shall be fixed by order of the town board, but shall not be less than one hundred dollars (\$100.00). Any violation of this local law shall be deemed an offense against this local law.

Section 5: APPLICABILITY:

This local law shall supersede Town Law, section 130, in its application to the Town of Amity.