

**(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**

of Rockville Centre

**Town**

**Village**

**Local Law No. 2 of the year 2010**

**A local law** to amend the Code of the Village of Rockville Centre, in relation to

*(Insert Title)*

dimensions and weights of certain vehicles.

**Be it enacted by the** Board of Trustees **of the**

*(Name of Legislative Body)*

**County**

**City**

of Rockville Centre **as follows:**

**Town**

**Village**

**Section one. Section 309-18 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:**

Section one. Legislative Intent. Over the last several years, there has been an increase in oversized and overweight vehicles in the village which has created safety hazards and excess stress on village roadways. The intent of this local law is to limit the dimensions and weights of vehicles on village roadways and to provide for penalties for violation of such limitations.

Section two. Chapter 309 of the Code of the Village of Rockville Centre is

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

hereby amended, by adding thereto a new Article, to be Article I-A, to read as follows:

"ARTICLE I-A. DIMENSIONS AND WEIGHTS OF VEHICLES.

§309-3.1. Dimensions and weights of vehicles.

A. Except as expressly permitted by federal law, the New York State Vehicle and Traffic Law, the regulations of the New York State Department of Transportation, or by special permit granted by the Mayor, no person shall operate or move or cause or knowingly permit to be operated or moved on any public road, street or highway (hereinafter collectively referred to as "road") in the Village of Rockville Centre any vehicle or combination of vehicles exceeding the weight of 80,000 pounds gross vehicular weight (GVW) where posted with official traffic regulation signs. This restriction shall not apply where the requirement for local delivery will permit no alternative route.

B. Width. The width of a vehicle, inclusive of load, shall not be more than 96 inches, plus safety devices, on any village road.

C. Height.

(1) The height of a vehicle from the underside of a tire to the top of the vehicle, inclusive of load, shall be no more than 13 ½ feet.

(2) Any damages to highways, overpasses or highway structures resulting from the use of a vehicle exceeding 13 ½ feet in height where such excess height is the proximate cause of the damage shall be compensated for by the owner and operator of such vehicle.

D. Length.

(1) The length of a single vehicle, inclusive of a load and bumpers, shall not be more than 40 feet unless otherwise provided in this paragraph.

(2) The length of a semitrailer or trailer shall not exceed 48 feet, except as provided in this paragraph; provided, however, that the length of any trailer or semitrailer being operated in combination with another trailer or semitrailer shall not exceed 28 feet.

(3) The length of a bus having a carrying capacity of more than seven passengers shall not exceed 45 feet, except that the length of an articulated bus shall not exceed 62 feet.

(4) The provisions of this paragraph shall not apply to fire or other emergency vehicles.

(5) Any semitrailer with a length not to exceed 48 feet may be operated on any village road, provided that the total length of a combination of vehicles, including such a semitrailer, does not exceed 60 feet.

D. Additional restrictions on length; exceptions.

(1) The total length of a combination of vehicles, inclusive of load and bumpers, shall not be more than 65 feet.

(2) The provisions of subparagraph (D)(1) shall not apply to:

(a) Vehicles of a corporation which is subject to the jurisdiction of the Interstate Commerce Commission, the Public Service Commission or other regulatory body, which are used in the construction, reconstruction, repair or maintenance of its property or facilities, provided that the length of such vehicles are regulated by and comply with the safety requirements of the applicable federal or New York State laws and regulations.

(b) Vehicles hauling poles, girders, columns or other similar objects of excess length, provided such vehicles comply with the safety requirements of applicable federal or New York State Law and regulations.

(c) Fire or other emergency vehicles.

(d) State and/or municipally owned vehicles engaged in snow plowing, ice clear or other emergency-type operations.

E. In determining the number of wheels and axles in the vehicle or combination of vehicles within the meaning of this section, only two wheels shall be counted for each axle, and axles which are less than 46 inches apart from center to center shall be counted as one axle. However, in the case of multiple tires or multiple wheels, the sum of widths of all the tires on a wheel or combination of wheels shall be taken in determining the width.

F. Subject to the provisions of this section governing maximum vehicle gross weights, the weight, per inch width of tire, on any one wheel of a single vehicle or a combination of vehicles equipped with pneumatic tires, when loaded, shall not be more than 800 pounds.

G. Subject to the provisions of this section governing maximum vehicle gross weights, the weight on any one wheel of a single vehicle with pneumatic tires, when loaded, shall not be more than 11,200 pounds.

H. Subject to the provisions of this section governing maximum vehicle gross weights, the weight on any one axle of a single vehicle equipped with pneumatic tires, when loaded, shall not be more than 22,400 pounds.

I. Subject to the provisions of this section governing maximum vehicle gross weights, the weight of any two consecutive axles of a single vehicle or a combination of vehicle equipped with pneumatic tires, when loaded, and when axles are spaced less than eight feet from center to center, shall not be more than 36,000 pounds, except that, where axles are spaced eight feet apart or greater, but less than 10 feet, the weight on those two axles shall not exceed that permitted by paragraph K(2) of this section and, in addition, shall not exceed 40,000 pounds. Axles shall be counted as provided in paragraph E of this section.

J. Subject to the provisions of this section governing maximum vehicle gross weights, a single vehicle, or combination of vehicles having three axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed 34,000 pounds, plus 1,000 pounds for each foot and major fraction of a foot of the distance from the center of the foremost axles to the center of the rearmost axles. Axles are to be counted as provided in paragraph E of this section. In no case, however, shall the total weight exceed 80,000 pounds. For any vehicle or combination of vehicles having a total gross vehicle less than 71,000 pounds, the higher of the following shall apply:

(1) The total weight on all axles shall not exceed 34,000 pounds for each foot and major fraction of a foot of the distance from the center of the foremost axles to the center of the rearmost axles; or

(2) The overall weight on a group of two or more consecutive axles shall not exceed the weight produced by application of the following formula:

$$W = 500 (L \times N) / (N - 1) + (12 \times N) + 36$$

Where:

W = Overall gross weight on any group of two or more consecutive axles, to the nearest 500 pounds

L = Distance in feet from the center of the foremost axle to the center of the rearmost axle of any group of two or more consecutive axles.

N = The number of axles in the group under consideration, except that the two consecutive sets of tandem axles may carry a gross load not to exceed 34,000 pounds, provided that the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.

For any vehicle or combination of vehicles having a total gross weight of 71,000 pounds or greater, this paragraph J(2) shall apply to determine maximum gross weight which is permitted hereunder, subject to the provisions of this section governing maximum gross weights.

K. No vehicle shall be operated on the public streets of the Village of Rockville Centre other than on pneumatic tires.

L. For the purpose of this section, the width of pneumatic tires shall be ascertained by measuring the greatest width of the tire casing when the tire is inflated.

M. No person shall operate nor shall any owner permit the operation or movement of a vehicle or any combination of vehicles over, or through, any road if the weight of such vehicle, or combination of vehicle and load, is greater than the posted weight or exceeds the height of the posted clearance as shown on an official sign.

N. If a vehicle or combination of vehicles is operated in violation of this section, an appearance ticket or summons may be issued to the registrant of the vehicle or, if a combination of vehicles, to the registrant of the hauling vehicles, rather than the operator. In the event that the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant only for the purpose of receiving such appearance ticket or summons. In addition, a notice containing all pertinent information relating to the charge which is contained on the summons or appearance tickets shall be mailed by or on behalf of the person who issued the appearance ticket or summons to the registrant of said vehicle or trailer on file with the Department of Motor Vehicles of said state no less than five days before the return date specified on the appearance ticket or summons. Proof of mailing to the registrant under this section shall be filed with the court in which the appearance ticket or summons is returnable on or before the return date. A failure of a corporate registrant to appear or answer upon arraignment or trial shall constitute a default which shall result in the entry of a civil judgment in an amount corresponding to the amount of fine for a violation of this section. The provisions of this paragraph shall not apply to owner-operators of any motor vehicle or to any motor vehicle or trailer which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers, unless the motor vehicle or trailer is being operated by an employee of the registrant or for a community of interest other than the lease or rental agreement between the parties to the lease or rental agreement.

O. In any case wherein the charge before the court alleges a violation of this section, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to a violation of one of the paragraphs of this section. No other disposition of plea of guilty to any other charge in satisfaction of such shall be authorized; provided, however, that if the prosecuting attorney, upon reviewing the available evidence, determines that the charge of a violation of this section is not warranted, the prosecuting attorney may consent, and the court may allow, a disposition

by plea of guilty to that or another charge in satisfaction of such charge; provided, however, that the court must impose at least the minimum fine, as authorized in this section, for the offense.

§309-3.2. Violations and penalties.

A. Each violation of the provisions of this article 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 violation of this article committed within a period of sixty days after the previous such violation, plus, in both cases, the fine provided in paragraph B of this section.

B. Each violation of the provisions of this section with respect to any vehicle or combination of vehicles whose weight exceeds the weight limitations set forth in any of these sections or the weight limitations specified by a permit issued by the United States Department of Transportation or the New York State Department of Transportation shall be punishable by fines levied on the registered owner of the vehicle or vehicles, 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, which shall be in addition to the penalties provided in paragraph A of this section:

Excess Total Weight

Percent of Excess Weight

Great than	Less Than or Equal to	Amount of Fine
0%	2.0%	\$250
2.0%	4.0%	\$300
4.0%	6.0%	\$450
6.0%	7.0%	\$525
7.0%	8.0%	\$600
8.0%	10.0%	\$750
10.0%	12.0%	\$950
12.0%	14.0%	\$1,150
14.0%	16.0%	\$1,350
16.0%	18.0%	\$1,550
18.0%	20.0%	\$1,750
20.0%	22.0%	\$1,950
22.0%	24.0%	\$2,150
24.0%	26.0%	\$2,350
26.0%	28.0%	\$2,550
28.0%	30.0%	\$2,750
30.0%	32.0%	\$2,950
32.0%	34.0%	\$3,150

34.0%	36.0%	\$3,350
36.0%	38.0%	\$3,550
38.0%	40.0%	\$3,750
40.0% or greater		\$3,750 plus \$125 for each percent over 40%

NOTES:

<sup>1</sup>Where the total weight or axle weight or axles grouping weight is greater than 7% including enforcement scale tolerance in excess of the limits specified by a United States or New York State Department of Transportation excess weight permit, 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.

<sup>2</sup>In connection with the weighing of a vehicle or combination of vehicles, if it is found that there is a violation of paragraphs J and also paragraph H or I, or a violation of both paragraphs H and I, of this section, there shall be a single fine imposed, and the maximum amount of such fine shall not exceed the highest fine that could be imposed under this section.

<sup>3</sup>The court may impose any sentence authorized by this section; provided, however, that any such sentence must include a fine as provided in this section.

<sup>4</sup>All fines collected as a result of the above schedule shall remain the property of the Village of Rockville Centre.

C. Service of summons. If a vehicle or combination of vehicles is operated in violation of this article, an appearance ticket or summons may be issued to the registrant of the vehicle, or in the case of a combination of vehicles to the registrant of the hauling vehicle, rather than the operator. In the event the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant for the purpose of receiving such appearance ticket or summons. Such operator-agent shall transmit such ticket or summons to the registrant of the vehicle or hauling vehicle. If the registrant does not appear on the return date, a notice establishing a new return date accompanied by a copy of the summons or appearance ticket shall also be mailed by certified mail by the court to the registrant at the address given on the registration certificate for the vehicle or, if no registration certificate is produced at the time the appearance ticket or summons is issued, the address of the registrant on file with the Department of Motor vehicle or given to the police officer issuing the appearance ticket or summons. Whenever proceedings in court result in a conviction for a violation of this section, and the court has made the mailing specified herein, the court shall levy a mandatory surcharge, in addition to any sentence

permitted by law, in the amount of \$30. This mandatory surcharge shall be paid to the Clerk of the Court. The provisions of this paragraph shall not apply to owner-operators of any motor vehicle which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers unless the motor vehicle or trailer is being operated by an employee of the registrant.

### §309-3.3. Applicability of Federal Motor Carrier Safety Regulations.

A. No person shall operate, cause or knowingly permit or move any motor vehicle on any road in the Village of Rockville Centre in violation of Federal Motor Carrier Safety Regulations Parts 393 through 397, inclusive.

B. Penalties for offenses. A violation of this section shall be punishable by a fine not less than \$200 or more than \$500, or by imprisonment for not more than 15 days, or by both such fine and imprisonment. In the event the violation of this section is one which requires, pursuant to applicable regulations, that the motor vehicle be taken out of service, then the fine shall be not less than \$500 or more than \$1,000, or by imprisonment by not more than 15 days, or by both such fine and imprisonment.

C. The court may impose any sentence authorized by this section; provided however, that any such sentence must include a fine as provided in this section.

D. All fines collected as a result of the above sections shall remain the property of the Village of Rockville Centre."

Section three. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

**(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.)**

(Name of Legislative Body)  
I hereby certify that the local law annexed hereto, designated as local law No.   2   of 2010 of the ~~(County)~~(City)(Town)(Village) of   Rockville Centre   was duly passed by the   Board of Trustees   on   March 2, 2010  , in accordance with the applicable provisions of law.

**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)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. 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)(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.

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

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\*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.

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 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.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body.

(Seal)

Date: March 2, 2010

**(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 NASSAU

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.

\_\_\_\_\_  
Signature

Village Attorney  
Title

County

City

of Rockville Centre

Town

Village

Date: March 2, 2010