



## VILLAGE OF CAYUGA HEIGHTS

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### VILLAGE OF CAYUGA HEIGHTS

#### *LOCAL LAW 3 OF THE YEAR 2019*

#### **A LOCAL LAW TO PRESERVE VILLAGE ROADS**

**Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:**

#### **SECTION I            PURPOSE AND INTENT**

The intent of this Local Law is to establish rules, regulations and conditions to preserve and protect the condition of the public roads of the Village of Cayuga Heights (the “Village”). The Village’s Board of Trustees (the “Board”) has determined that future development projects in the Village and in the vicinity of the Village may result in extraordinary, high-intensity traffic to and from development sites, causing significant and measurable damage to the Village’s roads that jeopardizes the health and safety of residents and others who use those roads. Damage to Village roads that results from high-intensity traffic must be evaluated and repaired promptly and to appropriate engineering standards. The Village Board further has determined that it is in the best interest of taxpayers of the Village and the general public to assign responsibility for the repair of damage to Village roads attributable to such high-intensity use, and, where necessary, for the improvement of Village roads to a standard appropriate for high-intensity use prior to the commencement of the activity, to those responsible for the damage rather than to all Village taxpayers. The purpose of this Local Law is to maintain the safety and general welfare of Village residents by regulating high-intensity uses of Village roads that have the potential to adversely affect such roads. Well-maintained roads are important to the safety and economic well-being of the Village and its residents. The Board also acknowledges the value and economic benefit of further development in the Village and in the vicinity of the Village, and this Local Law is not intended to regulate such business activity, the intent of this Local Law is to protect the Village’s roads from damage resulting from traffic generated in connection with such development.

#### **SECTION II            AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

**Police Dept. & Village Administration**  
**OFFICE HOURS**  
**9 AM – 4:30 PM**

[www.cayuga-heights.ny.us](http://www.cayuga-heights.ny.us)

**SECTION III            DEFINITIONS**

1. High-frequency, high-impact truck traffic: Traffic to and from a project site that generates more than five hundred (500) truck trips. For purposes of this Local Law, a truck trip is a trip to or from a project site involving a truck with a gross weight of fifteen (15) or more tons (truck and load combined). A single truck makes two truck trips if it meets the weight limit traveling to the project site and meets the weight limit traveling from the project site.
2. Bond: A commercial bond to ensure that the condition of the Village Roads is not adversely impacted by high-frequency, high-impact truck traffic. The Village Board may accept an equivalent financial guarantee in lieu of bond.
3. Bond Release: A bond release given by the Village Board based on satisfactory road conditions at completion of the high-frequency, high-impact truck traffic.
4. Permittee: The person responsible for the project generating the high-frequency, high-impact truck traffic and who is responsible under this Local Law to obtain a permit, regardless of whether or not the person in fact obtains a permit. In any instance in which another approval or permit is required in connection with the project that is generating the truck traffic, such as a site plan approval or building permit, any person who is required to obtain any such other approval or permit shall be deemed the permittee for purposes of this Local Law. In the event no other approval or permit is required, the owner of any property on which the project is taking place shall be deemed the permittee for purposes of this Local Law.
5. Person: Any individual, public or private corporation, limited liability company, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate, or any other legal entity whatsoever.
6. Temporary project: Any non-permanent activity that generates high-frequency, high-impact truck traffic on Village Roads whether or not the project itself is located in the Village. Projects include, but are not limited to, construction projects. With regard to projects that require another approval or permit, such as site plan approval or a building permit, all activities covered by that other approval or permit are considered part of the temporary project for purposes of this Local Law. Agricultural operations as defined by New York State Agricultural District Law and the movement of agricultural products are excluded. Also excluded are school buses, law enforcement vehicles, fire-fighting vehicles, military vehicles, and municipal vehicles engaging in road work on behalf of one or more municipalities.
7. Village Roads: All public roads, to the extent such roads are located within the Village of Cayuga Heights, that are maintained by the Village.

**SECTION IV            GENERAL PROVISIONS**

1. The Village Board has determined that high-frequency, high-impact truck traffic associated with temporary projects may cause damage to Village Roads.
2. Upon a determination by the Village’s Superintendent of Public Works or Village Engineer that a temporary project shall generate high-frequency, high-impact truck traffic on any Village Roads, the Village’s Department of Public Works shall erect signs on the appropriate sections of Village Roads providing notice that vehicles

generating such traffic are excluded, and the Village shall publish notice of such exclusion in the official newspaper of Tompkins County.

3. A permittee may apply to the Village's Superintendent of Public Works for a permit providing for an appropriate exemption for the vehicles to be used on Village Roads in connection with the temporary project. Such permit shall be granted, upon appropriate terms and conditions, if the vehicles are performing essential local pick-up or delivery in connection with the temporary project. For purposes of this Local Law, essential local pickup or delivery shall include, but shall not be limited to, pickup from and delivery to a construction site, whether or not such site is located in the Village, of materials or equipment and traffic associated with New York State-permitted mining or gas-drilling operations, including the transport of products therefrom.
4. Any such permit shall designate the route(s) to be traversed and contain other reasonable restrictions or conditions deemed necessary by the Village's Superintendent of Public Works. The conditions may include, but not be limited to, requiring the permittee to make road improvements to ensure that the roads have the strength and capacity to handle the anticipated traffic, and requiring the permittee to clean mud and dirt off of Village Roads that vehicles have tracked from the project site onto the roads. Such permit shall be for the duration of the temporary project.
5. In order to obtain a permit, the permittee must submit a permit application to the Village's Superintendent of Public Works, which shall include all information required by the Village's Superintendent of Public Works including, but not limited to, vehicle identification number and owners/operators, vehicle weights, load weights, materials carried, route(s) to be followed on Village Roads, duration of activity (beginning date and end date), frequency of trips and times of operation. The applicant shall pay a permit fee to be established by the Village Board, but in no event shall the fee be less than \$250.
6. The Village's Superintendent of Public Works may require, as a condition of the issuing the permit, that the permittee submit documentation (including, but not limited to, photographs and videos) of the condition of the roads, shoulders and all improvements and structures (culverts, bridges, sidewalks, etc.) that will be traversed by the permitted traffic.
7. In addition to the restrictions on routes and other reasonable restrictions, the Village's Superintendent of Public Works will determine if the scope of work is such that a bond is required, and the amount of any such bond. The determination of the need and amount of any bond shall be based on a determination of potential damage to Village Roads based on the traffic routes, weight of the vehicles, number of trips, seasonal conditions and the type-category (classification) of the roads on the approved routes.
8. A permittee aggrieved by a determination of the Village's Superintendent of Public Works regarding the need for or conditions of a permit may, within ten (10) days of the determination, appeal to the Village Board. No action inconsistent with the determination of the Village's Superintendent of Public Works shall take place pending the determination of the Village Board.
9. The permittee shall be responsible for assuring that the high-frequency, high-impact truck traffic does not prevent any impacted Village Roads from remaining in safe and useable condition for all legal uses of the road throughout the duration of the temporary project.

10. Upon completion of the high-frequency, high-impact truck traffic generated by the project, the permittee will apply to the Village's Superintendent of Public Works for a bond release. Following inspection of the traveled roads, the Village's Superintendent of Public Works may approve the release of the bond. If the release is not approved, the Village's Superintendent of Public Works will document the work that the permittee must complete in order for the bond to be released, which may include, but not be limited to, the payment of money for repair of damaged Village Roads or for the cleaning of mud and dirt off of Village Roads. The permittee must complete such work before the bond may be released.
11. If the permittee does not comply with this Local Law or the terms and conditions of the permit, the Village's Superintendent of Public Works may revoke the permit. In the event that high-frequency, high-impact truck traffic uses any Village Roads without a valid permit issued in accordance with this Local Law, the Village's Superintendent of Public Works, any law enforcement officer or the Village's code enforcement officer has the authority to deny such vehicles access to Village Roads and to shut down the project to the extent that the project is located in the Village. This relief is in addition to any and all damages and penalties.
12. The permittee will be responsible for the repair of any damages that occur to any Village Roads, and for the cleaning of mud and dirt off of Village Roads, that result from high-frequency, high-impact truck traffic when a project proceeds with or without a proper permit, as well as for all fines and penalties specified in this Local Law.
13. In lieu of obtaining a permit, any person who may be responsible to obtain a permit may enter into a road use agreement with the Village, although the Village has no obligation to enter into a road use agreement. If the Village enters into a road use agreement with the permittee, the use of Village Roads shall be governed by the agreement, rather than by permit conditions.

## **SECTION V            ENFORCEMENT**

The Village's Superintendent of Public Works shall enforce the provisions of this Local Law and any rules, regulations and conditions made pursuant hereto. Such enforcement shall include, but not be limited to, legal or equitable proceedings, including without limitation an action for specific performance brought in the name of the Village.

## **SECTION VI            PENALTIES FOR OFFENSES**

1. Any person who violates this Local Law shall be guilty of a violation and subject to a fine of not more than \$500 and/or imprisonment for not more than fifteen (15) days. Each and every act committed that is prohibited by this Local Law shall constitute a separate violation. On each occasion that a vehicle travels on any Village Roads without a permit as required by this Local Law shall constitute a separate violation.
2. Upon failure of any permittee to comply with the requirements of this Local Law, the permit shall be subject to suspension, revocation and the imposition of conditions.

## **SECTION VII            SUPERSEDING EFFECT**

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

**SECTION VIII PARTIAL INVALIDITY.**

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

**SECTION IX EFFECTIVE DATE.**

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

*Local Law Filing*

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County     City     Town     Village  
(Select one:)

of Village of Cayuga Heights

Local Law No. 3 of the year 2019

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County     City     Town     Village  
(Select one:)

of Village of Cayuga Heights as follows:

See Attached Page 2-6

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2019 of

the Village of Cayuga Heights was duly passed by the Board of Trustees on April 15, 2019 in accordance with the applicable provisions of law.

\_\_\_\_\_  
Clerk of the Village of Cayuga Heights

(SEAL)

Date: April 15, 2019

STATE OF NEW YORK  
COUNTY OF TOMPKINS

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

Village of Cayuga Heights

Date: April 15, 2019