

## A LOCAL LAW ENTITLED “TOWN OF SANFORD ROAD PRESERVATION LAW”\*

\*Patterned after proposed local law of the Town of Windsor, Broome County, NY prepared by Cheryl Sacco, Esq., Coughlin & Gerhart, LLP, Binghamton, NY [Never adopted by Windsor but adopted by Towns of Sanford and Dickinson]

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

### **Section 1. Title**

This local law may be cited as the “Town of Sanford Road Preservation Law”

### **Section 2. Authority for this Local Law**

The Town Board of the Town of Sanford enacts this local law under the authority granted by Section 10 of the New York State Municipal Home Rule Law, New York State Constitution Article IX § 2(c)6 and Town Law, specifically subsection 1(ii)(a)(6), which allows towns to adopt local laws regarding the acquisition, care, management and use of its highways, roads, streets, avenues and property.

This Local Law is also enacted pursuant to the authority of subdivision 2 of Section 23-0303 of the Environmental Conservation Law of the State of New York which provides that “The provisions of this article shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries, but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law.”

This Local Law is enacted pursuant to the authority of Highway Law Section 140, wherein the Highway Superintendent must cause certain highways and bridges within the Town, to be kept in repair, to bring an action in the name of the town, against any person or corporation, to sustain the rights of the public, in and to any town highway in the town, and to enforce the performance of any duty enjoined upon any person or corporation in relation thereto, and to recover any damages sustained or suffered, or expenses incurred by such town, in consequence of any act or omission of any such person or corporation, in violation of any law or contract in relation to such highway and other powers thereunder.

Additionally, this Local Law is enacted pursuant to the authority of Highway Law Section 320, which requires that those that injure any highway or bridge maintained at the public expense, by drawing or propelling over the same a load of such weight as to injure or destroy the culverts or bridges along the