

**HIGHWAYS  
DEPOSIT AND/OR TRACKING MATERIALS ON**

**LOCAL LAW NO. 1 OF THE YEAR 1993**

**A Local Law Prohibiting the Deposit and/or Tracking of  
Certain Materials on to Town Highways and Streets**

**Adopted April 6, 1993**

Be it enacted by the Town Board of the Town of Kirkwood, New York as follows:

Section 1. Purpose.

The purpose of this Local Law is to protect the health, safety and welfare of the Town by prohibiting the deposit and/or tracking of mud and other defined debris onto Town streets and highways.

Section 2. Definition.

A. Debris: the term "debris" shall refer to dirt, soil, mud, stones, timber, timber debris, (including limbs, bark and leaves), and building materials.

Section 3. Activities Prohibited:

No person, firm or corporation shall deposit or track debris as defined herein onto any Town street or highway. Where such debris is tracked or deposited onto any Town street or highway adjoining or adjacent to any site or location where,

- a. building or construction operations; or
- b. the laying of water or sewer lines or other utility installations, or
- c. logging or foresting operations; or
- d. the transportation or excavation of soil, stones, building materials or debris,

are being conducted, or adjacent to a driveway, easement or right-of-way directly connecting to any such site or location where any of the above operations or activities are being conducted, it shall be presumed that the person, firm or corporation engaged in said activities or operations is the person, firm or corporation who deposited or tracked said debris onto such Town street or highway.

Section 4. Enforcement and Penalties:

A. Conviction under this local law shall be a violation as defined by Section 55.10(3) of the Penal Law of the State of New York.

B. Each day during which a violation continues may be deemed to be a separate violation.

C. Conviction of an offense as provided by this local law shall be punishable by the following:

1. In the case of a corporation, a fine in accordance with Penal Law Section 80.10,  
and/or

2. In the case of an individual(s), a fine of not more than \$250.00 or a term of imprisonment not to exceed fifteen (15) days or both, and/or

3. Restitution based on the costs incurred by the Town in the removal of any debris deposited or tracked in violation of this local law, and/or

4. Community service.

D. In addition to the above provided penalties and punishment, the town board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this local law by injunction, abate or otherwise compel cessation of each violation, or obtain restitution to the Town for costs incurred by the Town in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 5. Repeal:

Any portions or ordinances, resolutions or regulations heretofore adopted in conflict with this local law are hereby repealed.

Section 6. Conflicts of Law:

Whenever any local law, ordinance, or regulation of the Town, County of Broome, State of New York, or United States of America is inconsistent with this local law whichever local law, ordinance, or regulation is more stringent shall supersede the less stringent local law, ordinance, or regulation.

Section 7. Saving Clause:

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 8. Effective Date:

This local law shall take effect as provided in Section 27 of the Municipal Home Rule Law.