Municipal Corporations—Local Traffic Ordinances

Rudolph F. DeFazio

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tous allowance and before the completion of the conditions prece-
dent there was no vested right to it and hence it could be revoked
at the will of the legislature.\footnote{40} Once there had been compliance
with the statutory conditions a "contractual" relationship arose
and there was an absolute right to the pension in absence of any
statutory reservations.\footnote{41}

In the instant case,\footnote{42} the period of service required to entitle
petitioner to the pension was increased after the petitioner be-
came a patrolman, but before the constitutional amendment went
into effect. The court held that since the statutory change oc-
curred prior to the amendment, no contractual obligation arose
from mere membership, and as the petitioner had the expressed
right, under the statute, to withdraw his contributions to the fund
at any time, there was no taking of property without due process
of law.

Local Traffic Ordinances

Section 90 of the Vehicle and Traffic Law delegates to local
authorities the power in certain instances to regulate traffic. In
addition to the several specific enumerations, they are given the
authority to make such additional reasonable ordinances as the
special local conditions may require. During this past term, the
constitutionality of a town ordinance which prohibited through or
transient vehicular traffic on the streets within a specified area was
questioned.\footnote{43}

It has always been recognized that the regulation of motor
vehicles in their use of the streets is an important function of
municipal government.\footnote{44} Where the exercise of this function is
reasonable, nondiscriminatory, authorized by state law and not in
conflict with it, it is valid.\footnote{45} A regulation which applies to the
operation of certain vehicles and not to others is void when the
distinction constitutes an unreasonable classification,\footnote{46} and a grant
of power to a municipality to regulate motor vehicles and street

\footnotesize{40. \textit{Pennie v. Reis}, 132 U.S. 464 (1889); \textit{Friel v. McAdoo}, 101 App. Div. 155,
91 N. Y. S. 454 (2d Dep't); aff'd, 181 N. Y. 558, 74 N. E. 1117 (1905); \textit{Roddy v. Valentine}, 268 N. Y. 228, 197 N. E. 260 (1935).
44. 7 McQuillan, \textit{Municipal Corporations} § 24.618 (3d ed. 1949).
45. \textit{Ibid}.
46. \textit{Ibid} at § 24.622 (3d ed. 1949).}
traffic is not considered to authorize it to forbid the use of its streets to motor vehicles.\textsuperscript{47}

The court, noting the prohibition in Section 54 of the Vehicle and Traffic Law,\textsuperscript{48} concluded that this ordinance was not a reasonable regulation and very properly held the ordinance invalid.

Elections

Section 248 of the Election Law\textsuperscript{49} has again been before the Court of Appeals for interpretation. In the instant case,\textsuperscript{50} petitioner, an independent candidate for city judge, sought to have the proposed voting machine format altered so that his opponent, who was nominated by the Republican, Democratic, Liberal and United City parties, would not appear on the ballot on a separate line for the United City party.

The constitutionality of statutes prohibiting the placing of a candidate's name more than once on a ballot have been generally upheld throughout the United States.\textsuperscript{51} In New York the statute has been the grounds for some divergence of opinion. Early cases held that comparable statutes that attempted the consolidation on a ballot were unconstitutional as they discriminated against the independent voters.\textsuperscript{52} This stand was somewhat modified in Haskell v. Voorhis,\textsuperscript{53} where the court held that the sole nominee of an independent body who was also a nominee of the Republican party could have the party names and emblems combined on one ballot. Several years later, the court held that the provision of the Election Law was constitutional except in instances where its application would be unfair and prejudicial to a particular class

\textsuperscript{47} Id. at § 24.616 (3d ed. 1949).
\textsuperscript{48} § 54: "Local authorities shall have no power . . . to pass, enforce, or maintain any ordinance . . . inconsistent with the provisions of this chapter . . . and no such ordinance . . . shall have any force or effect."
\textsuperscript{49} § 248: "... When the same person has been nominated for the same office to be filled at the election by more than one party, the voting machine shall be so adjusted that his name shall appear in each row or column containing generally the names of candidates for other offices nominated by such party; and if such candidate has also been nominated by one or more independent bodies, his name shall appear only in each row or column containing generally the names of candidates for other offices nominated by any such party, and the name and emblem of each such independent bodies shall appear in one such row or column ... ."
\textsuperscript{50} Belford v. Board of Elections of Nassau County, 306 N. Y. 70, 115 N. E. 2d 658 (1953).
\textsuperscript{51} See annotation, 78 A. L. R. 398.
\textsuperscript{53} 246 N. Y. 256, 158 N. E. 613 (1927).