

Local Law Filing

(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 underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAR 26 2003

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Carthage
~~Town~~
Village

Local Law No. 2 of the year 20 03

A local law to open Village streets in order to allow the necessary
(Insert Title)
connection to existing trails.

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

~~County~~
~~City~~ of Carthage as follows:
~~Town~~
Village

Article 1. - Statement of Authority. The Village Board of the Village of Carthage, pursuant to the authority granted it under Article 48-c of the Vehicle and Traffic Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Village Board of the Village of Carthage in hereby finds the need to protect the public health, welfare and safety by regulating the operation of All Terrain Vehicles (ATV's) on public highways and places in the Village of Carthage in a manner which will be compatible with the use of such highways and places for vehicular and pedestrian travel and other uses, and which shall promote the safe and proper use of ATV's for recreation and commerce and for entering and leaving the Village of Carthage while minimizing detrimental effects of such use on the environment. The Village Board further finds that trails adjacent to the Village will be accessible to Village residents only if certain streets within the Village are opened for ATV travel. It is the purpose of this local law to open Village Streets in order to allow the necessary connection to existing trails.

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

Article 3. - Enactment. The Village Board of the Village of Carthage hereby enacts as follows:

Section 1. - Definitions.

1. "Person" includes an individual, partnership, corporation, municipal corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.
2. "Municipal Corporation" includes a county, city, town, village, school district, fire district and a special or improvement district of a county or town.
3. "Owner" means a person other than a lien holder, having the property in or title to an ATV.
4. "Operator" means every person who operates or is in actual physical control of an ATV.
5. "Operate" means to ride in or on, other than as a passenger, use or control the operation of an ATV in any manner, whether or not said ATV is underway.
6. "Public Way" means any public highway, road, street, avenue, alley, place or driveway.
7. "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
8. "Street or Highway" means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.
9. "Special Event" means an organized race, exhibition or demonstration of limited duration which is conducted according to prearranged schedule and in which general public interest is manifested.
10. Whenever the word "Village" is used herein, it shall mean the Village of Carthage.

Section 2. public Ways of the Village.

1. Designated Highway Use: All Village streets or highways, other than those specifically excluded are designated as routes for ATV travel for entering and leaving the Village. Said routes shall be posted in accordance with the New York State regulations regarding ATV route signs.

2. Limited Use on Designated Streets: The primary purpose of allowing travel of ATV's on the Village streets and highways is to allow access to off-highway trails and any other ATV routes where ATV's are regularly allowed. Travel in and on Village streets and highways is restricted to purposes of moving from one point to another and not for continuous riding of ATV's up and down Village streets and highways. Passing by a dwelling or point on any street more than four times in a one hour period shall constitute a violation of this section.
3. The Following Streets are Hereby Excluded: All of State Street, Park Drive and any other Village facilities adjacent to Park Drive and that portion of NYS Route 3 that lies within the Village.
4. Limited Operation on Excluded Streets: Emergency. When authorized or directed by State or Local Police Officer, an ATV may be operated on any portion of the excluded highways for the purpose of such an emergency as provided by Article 8 of the Conservation Law.

Section 4 State Highway Crossings. The following are determined as ATV crossing areas:

1. North Clinton to South Clinton.
2. South James at Cemetery Street.
3. From North Mechanic to Alexandria Street.

Section 5. Conditions and Restrictions. Whenever the operation of an ATV is permitted on any Village Street or Highway or portion thereof as provided in this local law, the following conditions and restrictions are hereby imposed to all such ATV operations:

1. Public or Private Lands: Except as previously stated, an ATV shall not be operated on any lands owned or occupied by, or under the jurisdiction of a governmental agency including lands owned by the Village of Carthage, the Town of Wilna, and the Carthage Central School System, except that ATVs shall be allowed park in Village designated parking lots adjacent to streets otherwise accessible to ATVs. An ATV shall not be operated on any privately owned lands except with the written permission of any such owner/occupant, except that a person may operate an ATV on their own land without such permission. The operator of an ATV shall carry written permission (when required) while operating an ATV on private lands. The operator of the ATV shall produce evidence of such permission to any legally authorized enforcement officer.

2. Sidewalks: It shall be unlawful to operate an ATV upon a public sidewalk or walkaway.

3. Direction of Travel: No person shall operate an ATV within the street or highway right of way of the Village except on the right side of such right of way and in the same direction as the highway traffic. Operation on any other public places shall be only in direction, if any marked by appropriate route direction signs.

4. Prohibited Operating Hours: No person shall operate an ATV on any Village streets between the hours of 10:00 p.m. and 6:00 a.m.

5. Special Events: It shall be unlawful to operate an ATV at special events unless sanctioned by the Village Board. The person in charge of a special ATV event or competition must apply to the Village Clerk for written authorization at least thirty (30) days before the event unless it is held entirely on private property. The Village Board shall have the authority to establish requirements with respect to protection of participants and observers of any event for which such a permit is required. The Village Board may also establish requirements so that the event does not become a nuisance or annoyance to the general public. The Village Board may refuse to grant a permit to persons applying for special events permits in the event that they do not meet requirements.

6. Unnecessary Noise: It shall be unlawful to operate an ATV, including at special events as permitted and sanctioned by the Village Board, in any manner which creates a loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons or in any other manner which constitutes a public nuisance or annoys, or injures or endangers the health, safety, comfort or repose of the public. No person shall use a muffler cutout, bypass or other devices to defeat the operation of a muffler in good working condition.

7. Unattended ATV's: It shall be unlawful for any owner or operator to leave or allow an ATV to be left unattended on any Village street while the motor is running or with any key for starting the same, left in the ignition or elsewhere in or on said ATV.

8. Obedience to Vehicular Traffic Control: Each person operating an ATV on any Village street shall observe strictly all vehicular traffic signs and signals and all other rules and regulations applicable to vehicular

traffic and shall obey the orders and direction of any state or local police including fire police, or other law enforcement authorized to direct or regulate traffic.

9. Speed Limit: No one shall operate an ATV on the streets or highways of the Village at a speed greater than the prevailing speed limit.
10. Only persons sixteen (16) years and older may operate ATVs in the Village of Carthage provided such individuals are otherwise licensed to operate a motor vehicle.

Section 6. - Violations.

1. An offense against this local law shall be deemed a violation.
2. Any conviction after a hearing before a court of competent jurisdiction, a fine of not less than twenty five dollars (\$25.00) nor more than two hundred and fifty dollars (\$250.00) may be imposed.

Article 4. - Severability. Should any sections or provisions of this local law be declared invalid, such decision shall not affect the validity of the remaining portions of this local law.

Article 5. - Effective Date. This local law shall become effective after filing in the office of the Secretary of State of the State of New York.

(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.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 03 of the ~~(County)(City)(Town)(Village)~~ of Carthage was duly passed by the Village Board on March 17 20 03, 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.

* 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.

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

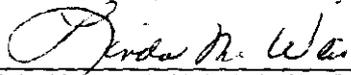
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 a 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 _____, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

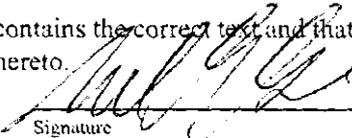
Date: March 19, 2003

(Seal)

(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 Jefferson

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 Carthage
~~Town~~
Village

Date: March 19, 2003