

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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. Use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE

**FILED**

NOV 24 1998

~~County~~x

~~City~~x

Town

~~Village~~x

of HOPKINTON

Local Law No. 1 of the year 19 98

*Alexander F. D'Amico*  
Secretary of State

A local law To Regulate Operation Of All Terrain Vehicles Within The Town Of Hopkinton  
(Insert Title)

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

~~County~~

~~City~~x

Town

~~Village~~

of Hopkinton as follows:

A Local Law to regulate the operation of all terrain vehicles on public highways and places of the Town of Hopkinton.

Be it enacted by the Town Board, Town of Hopkinton, as follows:

Section 1. Legislative Intent. The purpose of this Local Law is to protect the public health, welfare and safety by regulating the operation of all terrain vehicles on public highways and places of the Town of Hopkinton in a manner which will be compatible with the use of such highways and places for vehicular and pedestrain travel and other uses, and which will promote the safe and proper use of all terrain vehicles for recreation and commerce and minimize detrimental effects of such use on the environment.

Section 2. Definitions.

(a) The terms, workds and phrases used in the Local Law shall have the same meaning as such terms, words and phrases are defined in Article 48-C of the Vehicle & Traffic Law of the State of New York.

(b) "Shoulder" means that portion of a highway immediately adjacent to the right side of a roadway which is customarily used only for emergency travel and parking.

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

(1)

(c) Whenever the word Town is used herein it shall mean the Town of Hopkinton.

Section 3. Operation Town Streets or Highways. Operation of all terrain vehicles on highways and public ways of the Town shall be subject to the applicable provisions of Article 48-C of the Vehicle & Traffic Law of the State of New York, and the rules, restrictions and conditions set forth in this Local Law.

(1) Uncongested highways. All streets or highways of the Town are hereby designated as uncongested for the purpose of operation of all terrain vehicles on the shoulders thereof as authorized by Section 2405 of the Vehicle & Traffic Law: Except Church Street and the two Town parks, one being located in the Hamlet of Hopkinton adjacent to Church Street, and the other being located along the St. Regis River in Fort Jackson.

(2) Unplowed highways. The following Town highways are hereby identified as customarily unplowed for the purpose of all terrain vehicle operations: Harriman Road, Kingsley Road, Hayden Road, Cassada Road, Barrett Road, Fletcher Road, Meacham Road, and Doud Road.

(3) Limited operation on highway. (a) Emergency. When authorized or directed by state, county sheriff or deputy and/or any elected Town Official, an all terrain vehicle may be operated on any portion of the highway for the purpose of an emergency as authorized by such official.

(4) Parks and other public places, other than highways.

(a) Subject to the restrictions and conditions in subdivision 1 of this section and Section 4 of this Local Law, and the rules and regulations of the office of parks and recreation, all terrain vehicles may be operated only on or along designated and marked trails of the public parks and places of the Town.

(b) Except as provided in subdivision 1 of this section, operation of all terrain vehicles on any other public places of the Town is hereby expressly prohibited.

Section 4. Conditions and Restrictions. Whenever the operation of an all terrain vehicle is permitted on the shoulder, roadway or inside bank of any Town street or highway or portion thereof as provided in this Local Law, the following conditions and restrictions are hereby imposed to all such all terrain vehicle operations:

(1) Prohibited Operating Hours. No person shall operate an all terrain vehicle on any town highway between the hours of 11:00 p.m. and 7:00 a.m.

(2) Financial Security. It shall be unlawful for any person to operate an all terrain vehicle on any town highway or on public lands thereof unless the owner or operator of such all terrain vehicle is insured against public liability and carries with him proof of financial responsibility, such as a certificate of liability insurance of the type, coverage and of the minimum amount as defined and required of owners and operators of motor vehicles by the Vehicle and Traffic Law of the State of New York. Such proof shall be displayed by the owner

or operator of any all terrain vehicle upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or damage to property as a result of the operation of such all terrain vehicle by any such owner or operator.

(3) Direction of Operation. No person shall operate an all terrain vehicle within the street or highway right of way of the Town between sunrise and sunset except on the right side of such right of way and in the same direction as the highway traffic. Operation on the other public places shall be only in the direction, if any, marked by appropriate route direction markers.

(4) Unattended All Terrain Vehicles. It shall be unlawful for any owner or operator to leave or allow an all terrain vehicle to be left unattended on any town highway or public place, while the motor is running or with any key for starting the same, left in the ignition or elsewhere in said all terrain vehicle.

(5) Obedience to Vehicular Traffic Controls. Each person operating an all terrain vehicle on any Town highway 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 directions of any state or local police or other law enforcement officer authorized to direct or regulate traffic.

(6) No person under the age of sixteen (16) years shall operate an all terrain vehicle within the geographical confines of the Town of Hopkinton unless that person has

obtained the safety certificate required by Vehicle & Traffic Law Section 2409, and no person under the age of ten (10) years shall operate an all terrain vehicle within the Township of Hopkinton in any event.

(7) The operator of an all terrain vehicle will not exceed thirty (30) miles per hour and will yield the right of way to all vehicular and pedestrian traffic.

(8) When two or more all terrain vehicles are traveling the same route, they will travel in a single file, and head and tail lamps will be on.

(9) All all terrain vehicles operated within the Town of Hopkinton must be equipped with a suitable muffler and brakes.

Section 5. Violations. Failure to comply with any of the provisions of this Local Law shall be deemed a violation and the violator shall be liable to pay a fine of not less than fifty and no/100 dollars (\$50.00) nor more than one hundred and no/100 dollars (\$100.00).

Section 6. Separability. If any phrase, clause, sentence, paragraph, subdivision or section of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such portion of this Local Law shall be deemed separate and shall not affect the validity of the remaining provisions of this Local Law.

Section 7. Effective date. This Local Law shall take effect immediately upon its filing with the New York State Secretary of State, provided, however, that no all terrain vehicle shall be operated under the provisions hereof until such time as the signs and markers are

installed or constructed in accordance with Section 2405 of the Vehicle & Traffic Law 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. One of 19 98 of the ~~(County)~~(City)(Town)(Village) of Hopkinton was duly passed by the Town Board on Nov. 16 19 98, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**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 19 \_\_\_\_ of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19 \_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_ of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_. 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 \_\_\_\_\_ 19 \_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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 19 \_\_\_\_ of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19 \_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\*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 chairman 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 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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 of 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 1, above.

Vickie L. French  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: November 18, 1998

(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 ST. LAWRENCE

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 [Signature]

Title ATTORNEY

County

City

of

Town

Village

HOPKINTON, N.Y.

Date: 11/20/98