

Local Law Filing

41 State Street, 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 and do not use italics or underlining to indicate new matter.

Town of Brookhaven

Local Law No. 23 **of the year 2004**

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 13 2004
MISCELLANEOUS
& STATE RECORDS

A local Law Amending Chapter 37 entitled "All-Terrain Vehicles" of the Code of the Town of Brookhaven

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

Section 1. **Amendment.** This shall be a Local Law to amend Chapter 37 entitled "All-Terrain Vehicles".

§ 37-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE -- Any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways, provided that such vehicle does not exceed sixty (60) inches in width or eight hundred (800) pounds dry weight; provided, however, that this definition shall not include a snowmobile or other self-propelled vehicle manufactured for off-highway use which utilizes the endless belt tread.

MOTORIZED VEHICLES -- Any self-propelled vehicle which is not an All-Terrain Vehicle and is not an automobile, truck, or agricultural equipment as these terms are defined in the New York State Vehicle & Traffic Law, manufactured for sale for operation primarily on private property and only incidentally operated on public highways, including but not limited to, mini-bikes, mopeds, go-peds, scooters, pocket scooters, motor-assisted bicycles and go-carts.

OPERATOR -- The individual person operating the all-terrain vehicle or motorized vehicle, whether or not he or she is the owner of the all-terrain vehicle or motorized vehicle.

PUBLIC PROPERTY -- All sidewalks, easements or other areas dedicated or commonly used by the public, as well as all lands in which title is vested in the Town of Brookhaven, other political subdivisions or agencies or public authorities thereof, located within the Town of Brookhaven, but not including public highways.

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

§ 37-2. Operation on private property.

- A. No all-terrain vehicle or motorized vehicle shall be operated on public property under the jurisdiction of the Town of Brookhaven.
- B. No all-terrain vehicle or motorized vehicle shall be operated on private property in the Town of Brookhaven unless the operator thereof is in possession of written permission from the property owner for that particular all-terrain vehicle or motorized vehicle to be operated on the owner's property.

§ 37-3. (Reserved)

§ 37-4. Impoundment; redemption.

- A. Any all-terrain vehicle or motorized vehicle operated in violation of any of the provisions of this chapter may be impounded. The Town of Brookhaven Director of Motor Vehicle Control shall store the impounded vehicle in a suitable place at the expense of the owner. The Director shall, to the extent possible, report the impoundment of each all-terrain vehicle or motorized vehicle to the Department of Motor Vehicles and the Suffolk County Police Department. The Director shall, to the extent possible, ascertain the owner or custodian of the all-terrain vehicle and notify him of the impoundment and the requirements to redeem the same.
- B. The owner may redeem the vehicle upon production of proof of ownership and payment of all removal and storage fees as may be set from time to time by a Town Board resolution to cover the costs of the town. Any all-terrain vehicle or motorized vehicle not redeemed within ten (10) business days of impoundment shall be treated as an abandoned vehicle under § 1224 of the Vehicle and Traffic Law.

§ 37-5. Conflicts with other laws.

Should any section or portion of this chapter be in conflict with the laws of the State of New York applicable to the operation, registration, ownership or control of all-terrain vehicles, then, in that instance, said laws of the State of New York shall prevail.

§37-6. Severability.

The various parts, sections and clauses of this local law are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this local law shall not be affected thereby.

Section 2. Effective Date. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

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

(1-a)

(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. _____²³ of 2004...
of the (County)(City)(Town)(Village) of Brookhaven was duly passed by the
Town Board on Sept. 7 2004, 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 20____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 20____,
(Elective Chief Executive Officer*)
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
(Name of Legislative Body)
disapproval) by the _____ on _____ 20____. Such local law was submitted
(Elective Chief Executive Officer*)
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
(Name of Legislative Body)
disapproval) by the _____ on _____ 20____. Such local law was subject to
(Elective Chief Executive Officer*)
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.)~~

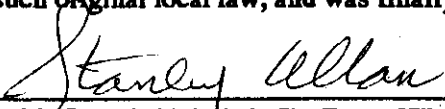
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

STANLEY ALLAN, TOWN CLERK

Date: September 7, 2004

(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 SUFFOLK

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



Title KAREN M. WILUTIS, TOWN ATORNEY

~~County~~
~~City~~ of BROOKHAVEN
~~Town~~
~~Village~~

Date: September 7, 2004