

Local Law Filing

New York State Department of State
162 Washington Avenue, Albany, New York 12231

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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 05 2003

Town of Pitcairn

Local Law No. 1 of the year 2003

MISCELLANEOUS
& STATE RECORDS

A local law permitting snowmobiles and all-terrain vehicles operation on designated highways in the Town of Pitcairn

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

Town of PITCAIRN as follows:

SECTION I. TITLE:

This local law shall be known as the "Town of Pitcairn Local Law Permitting Snowmobiles and All-Terrain Vehicle Operation on Designated Town of Pitcairn Highways".

SECTION II. PURPOSE:

The purpose of this local law is to protect the public health, welfare and safety by regulating the operation of snowmobiles and all-terrain vehicles on public highways and places in the Town of Pitcairn in a manner in which will be compatible with the use of such highways and places for vehicular and pedestrian travel and other uses and which will promote the safe and proper use of snowmobiles and all-terrain vehicles for recreation and commerce and minimize detrimental effects of such use on the environment. The additional purpose of this Local Law is the recognition by the Town Board of the need for the incidental use of Town Highways by snowmobiles by reason of the finding that on each of the highways hereinafter set forth the outside banks or shoulders are impassable or non-existent for incidental use by all-terrain vehicles because of the impossibility of the operator to gain access to off-road all-terrain vehicle trails for recreational purposes.

This law is intended to establish reasonable regulations permitting snowmobiles and all-terrain vehicles operation on Town Highways hereinafter set forth yet taking into consideration the maintenance of public health, welfare and safety. This Local Law is enacted pursuant to the authority granted in Article 48-C, Section 2405 of the Vehicle and Traffic Law of the State of New York.

SECTION III. DEFINITIONS:

As used in this local law, unless the context requires otherwise:

1. TOWN shall mean the Town of Pitcairn and boundaries defined therein.
2. ALL-TERRAIN VEHICLE (ATV) shall mean an all-terrain vehicle as defined by Section 2281(1) of the Vehicle and Traffic Law of the State of New York.
3. SNOWMOBILE shall mean any self-propelled vehicle designed for travel on snow or ice as defined by Section 2221(1) of the Vehicle and Traffic Law of the State of New York.
4. OPERATOR shall mean every person who operates or is in actual physical control of an ATV or snowmobile.
5. OPERATE shall mean to ride in or on, other than as a passenger, or use or control the operation of an ATV in any manner, whether or not said ATV or snowmobile is under way.
6. SHOULDER shall mean that portion of the highway immediately adjacent to the right side of the roadway which is customarily used for emergency travel and parking.

SECTION IV. OPERATION ON TOWN HIGHWAYS

Operation of snowmobiles and all-terrain vehicles on highways and public ways of the Town shall be subject to and comply with applicable provisions of the laws, rules and regulations of the State of New York including but not limited to Vehicle and Traffic Law Article 48-C and Parks and Recreation Law Article 25 and the rules and regulations pertaining thereto.

SECTION V. DESIGNATED HIGHWAYS:

The following highways, or portions thereof are hereby designated as permitted roads open to travel by snowmobiles and all-terrain vehicles: Alpine Road; California Road; Dodds Road; Edwards Road; Fullerville Road; Garrison Road; Goose Pond Road; Graham Road; Greenwood Road; Jayville Road; Kansas Road; Maple Street; Loop Road; Orebed Road; Osborne Road; Pinner Road; East Pitcairn Road; Powell Road; Rose Road; Stone Road; Streeter Road; Bridge Street; Backus Road and Vrooman Road.

SECTION VI. CONDITIONS AND RESTRICTIONS:

The laws as set forth in Article 48-C of the Vehicle and Traffic Law of the State of New York and Article 25 of the Park and Recreation Law of the State of New York and the conditions, restrictions, rules and regulations as promulgated in connection therewith shall apply with respect to the operation of snowmobiles and ATV's within the area designated in the proceeding Section V. In addition:

1. Anyone using a snowmobile or all-terrain vehicle on the highways authorized herein shall first inspect the route over which he or she shall operate a snowmobile or all-terrain vehicle in order to determine if any hazards exist or

- unusual conditions which might prove hazardous in the event a snowmobile or all-terrain vehicle was operated on such route without knowledge of such.
2. There shall be limited operation on the aforesaid designated highways when authorized or directed by police officers and in such case a snowmobile or all-terrain vehicle may be operated on any portion of the highway for the purpose of an emergency as authorized by the laws of the State of New York.
 3. Operators of a snowmobile or all-terrain vehicle shall strictly observe all vehicular traffic signs and signals and all the rules and regulations applicable to vehicular traffic.
 4. Operation of a snowmobile or all-terrain vehicle on a Town highway is authorized by this law and within the designated area shall be confined to the right shoulder and extreme right of center of the main traveled way, as the case may be, except as required to gain access to or egress from the areas designated for off-road recreational use.
 5. The above-designated highways shall be utilized by snowmobiles and all-terrain vehicles for travel only if, and to the extent that, suitable recreational trails adjacent to said highways do not exist or are not accessible.
 6. No person shall operate a snowmobile or all-terrain vehicle in excess of thirty-five (35) miles per hour at any time.
 7. No person shall operate a snowmobile or all-terrain vehicle at a rate of speed greater than is reasonable and prudent under the conditions and having regard to the actual circumstances then and there existing.
 8. No person shall operate a snowmobile or all-terrain vehicle upon a Town highway unless he or she is duly licensed to operate a motor vehicle pursuant to Article 19 of the Vehicle and Traffic Law of the State of New York.
 9. It shall be unlawful for any person to operate a snowmobile or all-terrain vehicle on any highway unless the owner or operator of such snowmobile or all-terrain vehicle is insured against public liability and carries with him or her proof of financial responsibility, such as a Certificate of Liability Insurance of the type, coverage and of the minimum amount as defined and required by 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/operator of any snowmobile or all-terrain vehicle upon request of 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 snowmobile or all-terrain vehicle by any such owner or operator.
 10. It shall be unlawful for any owner or operator to leave or allow a snowmobile or all-terrain vehicle to be left unattended on any 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 snowmobile or all-terrain vehicle.
 11. It shall be unlawful for an owner or operator to park a snowmobile or all-terrain vehicle on the highway.

SECTION VII. VIOLATIONS:

A violation of any provision of this local law shall be a traffic infraction, and every person convicted of a traffic infraction for a violation of said local law shall for a first conviction thereof be punished by a fine of not more than One Hundred and no/100 Dollars (\$100.00) or by imprisonment for not more than fifteen (15) days or both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen (18) months, such person shall be punished by a fine of not more than Two Hundred and no/100 dollars (\$200.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment and for a conviction of a third violation, all three of which were committed within a period of twenty-four (24) months such person shall be punished by a fine of not more than Five Hundred and no/100 Dollars (\$500.00) or by imprisonment for not more than forty-five (45) days or both such fine and imprisonment.

SECTION VIII. SEVERABILITY:

The provisions of said local law are declared to be severable; and if any section, subsection, sentence, clause, or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, subsections, sentences, clauses, and phrases of said local law, but they shall remain in effect, it being the legislative intent that said local law shall stand notwithstanding the invalidity of any part.

SECTION IX. EFFECTIVE DATE:

This local law shall become effective upon its filing with the Secretary of the State of New York or five (5) days after its enactment, whichever occurs later.

(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. 1 of 2003 of the Town of Pitcairn was duly passed by the Town Board on April 16, 2003, 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 disapproved)(repassed after disapproval) by the and (Name of Legislative Body) (Elective Chief Executive Officer*) 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 disapproved)(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 disapproved)(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 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 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.

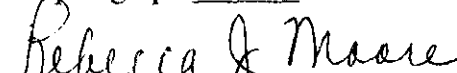
6. (County local law concerning adoption of Charter.)

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 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.

(Seal)


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

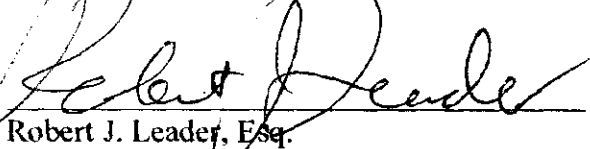
Rebecca J. Moore

Date: April 16, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
).ss
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.


Robert J. Leader, Esq.

Town Attorney

Town of Pitcairn

Date: April 16 2003