

(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.

County
City of Lyndonville, New York, Orleans County
Town
Village

Local Law No. 3 of the year 2003.

A local law Regulating the Operation of Snowmobiles Throughout the Village of Lyndonville
(Insert Title)

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

County
City of Lyndonville, New York, Orleans County as follows:
Town
Village

A LOCAL LAW REGULATING THE OPERATION OF SNOWMOBILES THROUGHOUT THE VILLAGE OF LYNDONVILLE

Section 1. Legislative Intent

It is the intent of this Local Law to regulate the use of snowmobiles throughout the Village of Lyndonville. The use of snowmobiles, often without regard to their noise and damage to property to the annoyance of Village residents, prompts the Village to enact this local law for the general peace and harmony of its residents and to protect residents and property owners from intrusive conduct.

Section 2. Definitions

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

a) Snowmobile shall mean a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.

b) Private Property shall mean all land and buildings in the Village of Lyndonville not included in the definition below of "public property" nor part of the public street and sidewalk system.

c) Public Property shall mean lands and buildings owned or leased by the Village of Lyndonville or Town of Yates within the Village, any school district, the County of Orleans or the State of New York or any equivalent public body. This definition specifically excludes any public roadways owned or maintained by any of the aforementioned entities.

Any terms used in this local law which are not herein defined shall have the statutory meanings set forth in section 21.05 of the Parks, Recreation and Historic Preservation Law of the State of New York (hereinafter PRHPL).

Section 3. Operation of Snowmobiles; General

It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

1. Imprudent speed. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

2. Reckless operation. In a careless, reckless or negligent manner so as to unreasonably endanger the person or property of another or to cause injury or damage thereto.

3. Intoxication and drugs. While in an intoxicated condition or under the influence of narcotics or drugs as defined by section 114-a of the vehicle and traffic law of the State of New York.

4. Lights. (a) Between sunset and sunrise or when lights are required for safety without displaying at least one lighted head light and tail light.

(b) Operating other than as an emergency vehicle and displaying one or more lighted red or combination red or white lights which is revolving, rotating, flashing, oscillating or constantly moving light.

5. Plantings. In any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto.

6. On land of another. On private property, except for operation as emergency vehicle, without the consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another in violation of this section shall stop and identify himself or herself upon the request of the landowner, the landowner's duly authorized representative or lessee, and, if requested to do so by said landowner, representative or lessee shall promptly remove said snowmobile from the premises.

7. Snowmobiles towing a sleigh, sled or toboggan. The towing of a sleigh, sled or toboggan, unless attached by a rigid support, connection or tow bar.

8. Failure to stop and yield. In any place at any time failing to stop and yield to an authorized ambulance, civil defense, or police snowmobile or police vehicle being operated as an emergency vehicle and approaching from any direction.

9. Failure and refusal to comply. In any place at any time failure or refusal to comply with any lawful order or direction of any police officer or other person duly empowered to enforce all laws of the state relating to snowmobiles.

10. On public property. To operate a snowmobile upon public property at any time without express consent or permit issued by the governmental agency in control of said property.

Section 4. Operation on Streets and Sidewalks

It shall be unlawful for any person to drive or operate any snowmobile on a street or sidewalk in the Village of Lyndonville other than as follows:

1. Operation on highways, streets and sidewalks within the Village of Lyndonville is prohibited except as hereinafter provided.

2. (a) Snowmobiles may be operated in a snow emergency, for the purpose of emergency travel only, during the period of time when and at locations where snow upon the highways, streets and sidewalks, renders travel by motor vehicles impractical, as so declared by the Mayor of the Village of Lyndonville.

(b) A snowmobile may also be operated on a highway, street or sidewalk otherwise closed to snowmobile travel in emergency situations when the specific travel for a specific purpose is authorized or directed by a police officer, the Village Mayor, or the Village Superintendent of Public Works.

3. Highway Crossings. On highways or streets, snowmobiles may take a direct crossing provided:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway or street and at a place where no obstruction prevents a quick and safe crossing; and

(b) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled by the highway or street; and

(c) The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.

4. Highways or Streets Designated by the Village. Snowmobiles may be operated on portions of highways or streets within the Village when the portions thereof have been designated by the Village Board duly adopted by means of regulation, order, resolution, local law or ordinance. Such designated highways, streets or portions thereof shall be identified by markers in such manner as may be provided by rules and regulations of the Commissioner of Parks, Recreation and Historic Preservation. All signs or markers shall be in conformity with manual of uniform traffic control devices, and shall be erected at the expense of the Village, provided however, that the Village may accept funds or contributions therefore from private persons, clubs or associations interested in the promotion of snowmobiling. Any resolution, regulation, order, local law or ordinance which designates a street or highway or portion thereof which may be used for snowmobile operation may include rules and impose restrictions and conditions not inconsistent with Article 25 of the PRHPL for the regulation and safe operation of snowmobiles on the highways and streets or portions thereof so designated.

Section 5. Violations and Penalties

For any violation of the terms of this local law, the offender shall be liable for a penalty of not more than two hundred fifty (\$250.00) dollars. Upon conviction of a violation of any provision of this local law, a court may also require the convicted person to successfully complete a snowmobile safety course approved by the Commissioner of Parks, Recreation and Historic Preservation.

Section 6. Effective Date

This Local Law shall become effective upon filing as required by the Municipal Home Rule Law.

(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.

(Seal)

Heber H Miller
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 14, 2003

(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 ORLEANS

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
Village Attorney

Title

County
City of Lyndonville
Town
Village
Date: OCTOBER 14, 2003

(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. 3 of 2003 of the ~~(County) (City) (Town)~~ (Village) of Lyndonville, New York, Orleans County was duly passed by the Board of Trustees on October 13 2003, 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 (Elective Chief Executive Officer*) duly adopted on _____ 19____, 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 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 _____ (Elective Chief Executive Officer*) 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.

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 _____ (Elective Chief Executive Officer*) 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.