

TOWN OF ALMOND

Local Law No. 1 of the Year 2024.

A local law Regulating Use of Limited Use Vehicles and All-Terrain Vehicles on Town Highways.

Section 1. Title and Authority This local law shall be known as the Town of Almond ATV Law. It is adopted pursuant to sections 10 and 20 of the Municipal Home Rule Law and intended to broaden the use of Town roads for the vehicles listed herein and exceed any use limitation under any state law to the extent permitted by Sections 10 and 20 of the Municipal Home Rule Law.

Section 2. Legislative Intent Upon examination of Town Highway usage and safety issues and with the intent to provide lawful operators of limited use vehicles and all-terrain vehicles with suitable locations for their use, and to discourage unlawful trespass upon local lands managed by the New York State Department of Environmental Conservation, private lands, and unsafe operation of limited use vehicles and all-terrain vehicles, the Town Board enacts this law regulating limited use vehicles and all-terrain vehicles.

Section 3. Definitions

- a. LUV- “LUV” shall mean “Limited Use Vehicles” as defined by Article 48-A of the Vehicle and Traffic Law.
- b. ATV – “ATV” shall mean “All-Terrain Vehicles” as defined by Article 48-C of the Vehicle and Traffic Law shall also include vehicles commonly referred to as UTVs, “side-by-sides,” quads, trikes designed primarily for off-road use.
- c. Town Highways – “Town Highways” shall mean those roads on the inventory of Town highways of the Town of Almond.
- d. SHOULDER – that portion of a highway or road immediately adjacent to the right side of a roadway customarily used for emergency travel or parking.
- e. SIGNIFICANT DAMAGE – any damage which costs the property owner at least \$500 to restore to its pre-damaged condition.

Section 4. Rules and Regulations

- a. No LUV or ATV shall be operated on the Town Highways, except in accordance with the provisions of the Vehicle and Traffic Law of the State of New York.
- b. No LUV or ATV shall be operated on any Town Highway unless it is properly licensed, registered, or insured as required by the Vehicle and Traffic Law of the State of New York.
- c. No person shall operate an LUV or ATV on a Town Highway at a rate of speed more than 20 mph.
- d. All operators of LUVs and ATVs shall proceed in a single file when driving upon or crossing a Town Highway.
- e. Hours of Operation. No person shall operate an LUV or ATV within 200 feet of a dwelling between the hours of 11:00 pm and 8:00 am. Each person operating an LUV or ATV on any Town Highway or Street shall strictly observe all vehicular traffic signs and signals and all other rules and regulations applicable to vehicular traffic and shall obey all the order and directions of any state or local law enforcement officer authorized to direct or regulate traffic.

- f. Position on the road – it shall be unlawful to operate an LUV or ATV on a public street or highway in the Town in any manner other than single file, as safely practicable and in the same direction as traffic. Any ATV or LUV must yield right of way to non-ATV/LUV vehicles.
- g. Any ATV or LUV operating on Town Highways or Roads must comply with the equipment requirements set forth in Article 48-C of the VTL. ATVs and LUVs must have a functional rearview mirror. In addition, lights must be always on when operating on a Town Highway or Road.
- h. Any ATV or LUV wishing to operate on Town highways or roads shall obtain a sticker which shall be displayed on the ATV, LUV or helmet. Stickers must remain visible, unobstructed, and clean. The cost of such sticker shall be established by The Almond Town Board and may be changed from time to time by resolution of the board. Said resolution to be posted on The Town website on Town Bulletin Board
- i. Any ATV or LUV owner wishing to operate an ATV or LUV on Town highways or roads must provide proof of ownership, insurance, licensing, and registration (if applicable under state law) prior to obtaining a sticker. Proof of same shall be provided upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of use of such vehicle by any such owner or operator. Failure to produce such proof shall be presumptive evidence of operating the vehicle without insurance against public liability. Vehicle registration and licensing shall apply only if the owner's state of residency requires it. However, all vehicles must be insured – no exceptions.
 - (1) Any operator or ATV or LUV owner who obtains a sticker shall be provided a copy of this local law and deemed to know and understand its provisions before riding and shall be responsible for communicating the law's requirements to any person operating his/her ATV or LUV.
- j. It shall be unlawful for any person without a valid state driver's license to operate an LUV or ATV on designated Town Roads. No one under the age of 16 shall operate an ATV or LUV on any Town Highway or Road. The parent or guardian of any child under 16 shall have their road use privileges revoked if their child is found guilty of violating this provision. Anyone with a suspended driver's license may not operate an ATV or LUV on the designated roads. Anyone who has had their ATV/LUV privileges in any other jurisdiction allowing ATV/LUV use of local roads are likewise prohibited from using Town roads for the same purpose. The Town has the right to contact other jurisdictions to confirm whether any such privileges have been suspended or revoked.
- k. No person shall operate as an ATV or LUV on a designated road in such a manner as to create loud, unnecessary, or unusual noise so as not to unreasonably disturb or interfere with the peace and quiet of Town residents or which engine exceeds 90 decibels. Aftermarket exhaust systems or components are prohibited unless they are designed to reduce emissions or dampen noise.
- l. No person shall operate an ATV (as defined in Section 3) or ride as a passenger on an ATV unless wearing a DOT-approved helmet.
- m. No person shall operate an ATV or LUV in a careless, reckless, or negligent manner to endanger the person or property of another or cause injury or damage thereto.
- n. Any ATV operating on any Town Highway or Road must securely install a reflective, orange, and red, triangular-shaped Slow Moving Vehicle sign in a manner that is unobscured, affix a minimum of 24 inches of reflective red and white tape on the rear of the vehicle, reflectors at the rear of the vehicle or wear a high visibility, reflective vest. Any one of these options is permissible.

Section 5. Signage

- a. When installing signs designating roads upon which ATVs or LUVs may ride, the Superintendent of Highways of the Town shall post Town Highways in the manner provided by the Rules and Regulations of the Commissioner of Motor Vehicles.

Section 6. Filing The Town Clerk is authorized to file a copy of this Local Law with the Commissioner of Motor Vehicles, in addition to an appropriate filing with the Secretary of State.

Section 7. Violations and Penalties

- a. Any person convicted of a violation of any of the provisions of this Local Law shall be guilty of an offense and shall be punished by a fine of not less than \$200 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; and for a second or subsequent conviction within 18 months thereafter, such person shall be punished by a fine of not less than \$400 nor more than \$750 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each violation of any provision of this Section shall be deemed a separate and distinct offense. A person may be charged with more than one offense and shall be subject to imposition of a fine for each such offense. A person who is convicted, or negotiates a civil compromise, because of being cited for violating this Local Law 3 times within a 5-year period shall have their privilege to utilize Town Highways and Roads for ATV and LUV purposes revoked for a period not to exceed 3 years.
- b. It shall be an aggravated offense if the use of an ATV or LUV in violation of this Local Law results in injury to any person, damage to crops or nursery stock, or otherwise involves damage to agricultural business stock. The person found to have committed an aggravated offense shall be subject to doubled fines set forth in this Section.
- c. A law enforcement officer may impound any ATV or LUV if:
 1. The ATV or LUV is involved in an accident, causing serious injury or death.
 2. The ATV or LUV operator is observed or caught causing significant damage to private or public property; or
 3. The ATV or LUV operator is observed or caught trespassing with his vehicle on public or private property; or
 4. The operator has more than three violations of Section 5 (c).
- d. The period of impoundment of the ATV or LUV shall be for such time as necessary for law enforcement purposes, which shall include use of the vehicle for identification in any court action. Any person wishing to have an ATV or LUV released from impoundment must make a motion before a court of competent jurisdiction and said ATV or LUV shall be released upon court order and payment of all applicable fines and fees. Upon receipt of said court order, the ATV or LUV shall be released by the authority of the Town Attorney or Supervisor upon payment of all impoundment fees that may apply and upon direct payment of all towing and storage charges imposed by private towing concerns which the Town may use for the purpose of impoundment.
- e. Civil Compromise – The Town Justice is empowered to approve and enter an order of consent as a civil compromise between the Town and any person consenting to the imposition of a mandatory civil penalty not less than \$200 nor more than \$750 per offense and suspending prosecution until all conditions imposed in the civil compromise are completed by the defendant in the time frames established by the order.

- f. Almond town board may amend the fines and penalties upon resolution of the Board. Notice of any such changes shall be posted immediately on the Town website and at the Town hall.
- g. This law shall be enforced by Local Town law enforcement personnel, the Allegany County Sheriff's the New York State Police or a Department of Environmental Conservation Officer or any other such person or entity as the Almond town board may determine hereafter by resolution.

Section 8. State Lands This Local Law will have no effect on the DEC policies regarding ATV use on state land. ATV and LUV riders who trespass on state forests, including forest roads, will be ticketed, and prosecuted. This will include parking of such vehicles off the legal right-of-way of the public highway.

Section 9. Severability Should any section or provision of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions hereof.

Section 10. Effective Date This Local Law shall become effective upon filing with the Secretary of State of the State of New York as provided by the Municipal Home Rule Law.