

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 and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

Town

~~Village~~

of Theresa

Local Law No. 1 of the year 19 97.

A local law for the Town of Theresa regulating the use of ATV's on
(Insert Title)
Town roads.

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

~~County~~

~~City~~

Town

~~Village~~

of Theresa as follows:

Article 1. - Statement of Authority. The Town Board of the Town of Theresa, pursuant to the authority granted it under Section 130(7) of the Town Law, Sections 10 and 20 of the Municipal Home Rule Law, and Sections 2400 and 2405(1) of the Vehicle and Traffic Law, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Theresa has received requests in recent months from ATV clubs that it open and designate Town highways or portions thereof as open for travel by ATV's. In view of the authority under the Vehicle and Traffic Law for such designation and upon a determination of the Town that absent such designation it may be otherwise impossible for ATV's to gain access to areas or trails adjacent to the Town highways, it is desired that such designation be undertaken and that legislation be approved on a local level. It is the purpose of this local law to designate as open to ATV usage, Town highways within this jurisdiction subject to applicable vehicle and traffic law regulations, as well as local expansion of the same.

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

Article 3. - Enactment. The Town Board of the Town of Theresa hereby enacts as follows:

Section 1. - Use of Town Roads. All Town roads as contained on the Town's inventory of highways shall be considered open to use by ATV's, subject to the rules and regulations set forth below.

Section 2. - Incorporation of Provisions of Vehicle and Traffic Law: Except as actually set forth in this local law, the Town of Theresa hereby incorporates by reference, the provisions of Article 48-c (Sections 2400 through 2413) of the Vehicle and Traffic Law of the State of New York as it now exists and as from time to time may be amended, more specifically:

- a) Definitions: shall be controlled by incorporation of Section 2401 of the Vehicle and Traffic Law;
- b) Operation of ATV's and Operating Rules: shall be controlled by incorporation of Sections 2403 and 2404 of the Vehicle and Traffic Law including, but not limited to, those provisions of Section 2404(5);
- c) Equipment Requirements: shall be controlled by incorporation of Section 2406 of the Vehicle and Traffic Law;
- d) Liability Insurance/Liability for Negligence: insurance requirements shall be controlled by incorporation of Sections 2404 and 2411 of the Vehicle and Traffic Law;
- e) Registration and Licensing of ATV's: shall be controlled by Article 48-b (Sections 2280 through 2291 of the Vehicle and Traffic Law), as the same may from time to time be amended.

Section 3. - Additional Restrictions and Conditions.

- a) Operation of ATV's: ATV's shall only be operated on those designated Town roads upon the right hand margin or shoulder as not to interfere with the normal flow of vehicular traffic;
- b) Age of Operation: no person under age 16 shall operate an ATV upon any Town road designated for ATV travel;
- c) Hours of Operation: ATV's which are authorized to operate upon designated Town roads may only be operated between sunrise and sunset only.

Section 4. - Posting: the Town shall designate by conspicuous posting, all Town roads or portions thereof which shall be authorized for ATV travel.

Section 5. - Filing: a copy of this local law shall forthwith be filed with the Commissioner of Motor Vehicles of the State of New York in accordance with Vehicle and Traffic Law, Section 2405(5).

Article 4. - Severability. In the event any portion or part of this local law shall be deemed invalid or unenforceable for any reason whatsoever, it shall not affect the enforceability or validity of any of the remaining sections.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the office of the Secretary of State.