

**Town of Angelica**  
**Introductory Local Law No. 1 of the Year 2020.**

**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 Angelica 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 “mini bikes,” “dirt bikes,” “trail bikes,” or “quads.”
- c. Town Highways - “Town Highways” shall mean those roads on the inventory of town highways of the Town of Angelica.
- 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.

**Section 4. Use** Pursuant to Section 1660 and Section 2405 of the Vehicle and Traffic Law, the Town Highways and Roads attached to this Local Law as an Appendix 1 are hereby designated as open for LUV and ATV use. Additionally, at the request of the DEC, the Town Highway Superintendent shall install signs warning that ATV and LUV use is prohibited at the following roads due to their proximity to state forest lands:

- Buehrings Road
- Breitweiser Road.

**Section 5. 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, and 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 in excess of 25 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; ~~Zoned Residential Area~~ – No person shall operate an LUV or ATV within 200 feet of a dwelling between the hours of 11pm and 8am.
- f. 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.

- g. 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 and as near to the right-hand curb or shoulder as safely practicable and in the same direction as traffic.
- h. 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 rear view mirror. In addition, lights must be on at all times when operating on a Town Highway or Road.
- i. Any ATV or LUV owner wishing to operate on Town Highways or Roads shall obtain a sticker which shall be displayed on the ATV or LUV or helmet. Stickers must remain visible, unobstructed and clean.
- j. 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 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.
- k. 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. It shall be unlawful for any person without a valid state driver's license to operate an LUV or ATV on designated Town Roads, unless if under the age of 16, accompanied by a parent or legal guardian. No one under the age of 14 shall operate an ATV or LUV on any Town Highway or Road. Anyone with a suspended driver's license may not operate an ATV or LUV on the designated roads.
- l. No person shall operate 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.
- m. 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.
- n. No person shall operate an ATV or LUV in a careless, reckless, or negligent manner so as to unreasonably endanger the person or property of another or cause injury or damage thereto.
- o. Any ATV or LUV 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.

## **Section 6. 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.
- b. At the request of the DEC, the Town will post signs at certain roads adjacent to state forest lands affirmatively prohibiting ATV or LUV use.

**Section 7. Filing** The Town Clerk is authorized to file a copy of this Local Law with the Commissioner of Motor Vehicles, in addition to appropriate filing with the Secretary of State.

## **Section 8. 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 more 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 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, as a result 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.

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 doubling the 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 caught causing significant damage to private or public property or,
3. The operator is in excess of a third violation of Section 5 (c).
4. [the law enforcement officer has reason to believe the operator is driving while intoxicated or impaired as set forth in New York Vehicle and Traffic Law.](#)

d. The period of impoundment of the ATV or LUV shall be for such time period 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. Upon receipt of said court order, the ATV or LUV shall be released by the authority of the Town Attorney or Town 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 civil penalty not exceeding \$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.

**Section 9. 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. Certain roads have been specifically excluded from ATV and LUV use to discourage such trespass.

**Section 10. 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 11. 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.

## Appendix 1

Bailor  
Baker  
Burdick  
Combs  
Combs Rd  
Commons Rd  
County Hill  
East  
Emery  
Feathers Creek  
Flemming  
Frace  
~~Herdman Rd (Private Road).~~  
Hess  
Horner  
Jacobs Hill  
Knapp  
Lamont  
Lenard  
Lilly  
Old Route 19  
Old State Rd  
Peacock Hill  
Peavy Rd  
Riley  
Rose  
Shawmut Rd  
Swift Hill  
Town Hill  
Van Allen  
Wind Fall