

Local Law Filing

(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
(Select one:)

of Lyndon

Local Law No. 3 of the year 2021

A local law A LOCAL LAW TO REGULATE THE OPERATION OF SNOWMOBILES

(Insert Title)

ON PUBLIC HIGHWAYS AND PLACES IN THE TOWN OF LYNDON.

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Lyndon

as follows:

Section 1 – Legislative intent.

By the adoption of this local law, the Town Board of the Town of Lyndon declares its intent to regulate the operation of snowmobiles in the Town of Lyndon.

Section 2 – Definitions.

For the purpose of this chapter, the terms defined herein shall have the meaning ascribed to them.

BANK

A mound, pile or ridge of snow on the edge of a highway accumulated from natural snowfall or by snowplowing operations.

HIGHWAY

The entire width between the boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

INSIDE BANK

The portion of a snowbank immediately adjacent to the shoulder of the roadway.

OPERATE

To ride in or on, other than as a passenger, or use or control the operation of a snowmobile in any manner, whether or not said snowmobile is in motion.

OPERATOR

Every person who operates or is in actual physical control of a snowmobile.

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

OUTSIDE BANK

The portion of a snowbank outside the crest thereof and farthest removed from the roadway.

ROADWAY

That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.

SHOULDER

That portion of a highway which lies outside the paved or unpaved roadway immediately adjacent to the portion of the roadway which may be used by motor vehicles.

SNOWMOBILE

A self-propelled vehicle designed for travel on snow or ice steered by skis or runners, and supported in part by skis, belts or cleats.

Section 3 – Financial responsibility.

A. No snowmobile shall be operated on a snowmobile trail, street, or highway in the Town of Lyndon unless the owner of such snowmobile has secured a policy of insurance affording coverage against liability imposed by law for bodily injury or death, and for property damage to at least the minimum limits, as required of an owner of an automobile by Article 6 of the Vehicle and Traffic Law of the State of New York and regulations promulgated thereunder.

B. The owner of a snowmobile shall maintain proof of financial security by means of a certificate of insurance indicating compliance with the minimum coverage requirements of this section. The failure to produce such certificate of insurance, when required to do so, upon the demand of a Magistrate, police officer, or state policeman while such vehicle is being operated in the Town of Lyndon shall be presumptive evidence of operating a snowmobile without securing such policy of insurance. Upon the production of such certificate of insurance, the presumption is removed.

Section 4 – Designated highways.

All streets, roads and highways in the Town of Lyndon, except New York State highways, are hereby designated as streets, roads or highways upon which snowmobile travel is permitted as prescribed by § 25.09 of the Parks, Recreation and Historic Preservation Law.

Section 5 – Operation of snowmobiles.

It shall be unlawful for any person to drive or operate any snowmobile on a highway other than as follows:

(1) Highway crossings. On highways, snowmobiles may take a direct crossing at any time of the day provided:

(a) The crossing is made at an angle of approximately 90° to the direction of the highway 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 way of the highway; and

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

(2) Culverts and bridges. Snowmobiles may be operated on highways when necessary to cross a bridge or culvert.

(3) Unplowed highways. Snowmobiles may be operated on county or Town highways, or portions thereof, during the period when and at locations where the highway is customarily unplowed and unused during the winter months for vehicle travel. The Town Board shall designate those highways or portions thereof which are so customarily unplowed.

(4) Outside banks. On highways, snowmobiles may be operated on the outside banks of any highway.

(5) Highways designated by governmental agencies. Snowmobiles may be operated on the following portions of highways which have been designated and posted as provided in Parks, Recreation and Historic Preservation Law§ 25.09.

(a) Shoulders and inside banks. On the shoulders and inside banks of such highways or portions thereof so designated;

(b) Roadways. On roadways of such highways or portions thereof in case the outside banks or shoulders are determined by the governmental agency to be impassable or nonexistent by reason of prevailing snow conditions or conditions of terrain;

(c) Access areas. On such highways, for a distance of not to exceed 500 yards when in the determination of the governmental agency concerned it is otherwise impossible for snowmobiles to gain access to areas or trails adjacent to the highway, for the purpose only of gaining access to and from the areas of operation.

(6) Limitation on highway operation.

(a) No person shall so operate a snowmobile on any highway, when otherwise permitted, between sunset and sunrise except on the right side of such right-of-way and in the same direction as the highway traffic or the nearest lane of the roadway adjacent thereto.

(b) When operation on a roadway is permitted by any provision of this article, snowmobiles shall travel in single file, shall not ride tandem or abreast of each other except in overtaking another snowmobile, and shall travel on the right side of the road in the same direction as the flow of vehicular traffic.

(c) No person shall operate a snowmobile on or across a highway while pulling a person on skis or drawing or towing a sleigh, sled or toboggan which carries or transports any person. No person on skis shall be pulled by, and no person shall ride on or in a sleigh, sled or toboggan which is being towed or trailed by a snowmobile on a highway.

B. It shall be unlawful to operate a snowmobile on the public streets and highways in the Town of Lyndon at a speed in excess of 20 miles per hour.

C. It shall be unlawful to operate a snowmobile on any snowmobile trail in the Town of Lyndon which is adjacent to and runs parallel with a street or highway at a speed in excess of 20 miles per hour, except for Trail 5 where it runs adjacent to and parallel with New York State Route 28.

D. No person shall operate a snowmobile on the frozen surface of public waters within 100 feet of a person, including but not limited to a skater, not in or upon a snowmobile or within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.

E. No person shall operate a snowmobile within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m., at a speed greater than the minimum required to maintain forward movement of the snowmobile.

F. The provisions of this section shall not apply to operation as emergency vehicle.

Section 6 – Penalties for offenses.

In addition to any penalty contained in any other provisions of law, any person who shall violate any provision of this chapter, shall be guilty of a violation and be punished by a fine of not more than \$250, or by imprisonment for a term not exceeding 15 days, or both; or further upon conviction of a violation of any provision of this chapter a court may require the convicted person as a condition of the sentence, in addition to any other penalty, to successfully complete a snowmobile safety course approved by the State Commissioner of Parks, Recreation and Historic Preservation.

Section 7 – General restrictions on operation.

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

- A. Reckless operation. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- B. Imprudent speed. At a rate of speed greater than reasonable or proper under the surrounding circumstances.
- C. Failure to stop and yield.
 - (1) In any place at any time failing to stop and yield to an authorized ambulance, civil defense, or police vehicle, or police snowmobile or police vehicle being operated as an emergency vehicle and approaching from any direction.
 - (2) Failing to yield the right-of-way to the operation of trail grooming equipment, whether the snowmobile operator is approaching or overtaking the trail grooming equipment operator.
- D. Failure to comply. In any place at any time, failure or refusal to comply with any lawful order of any police officer or other person duly empowered to enforce the provisions of this chapter or any laws of the state relating to snowmobiles.
- E. Towing a sleigh, sled or toboggan. The towing of a sleigh, sled or toboggan unless attached by rigid support, connection or towbar.
- F. Lights.
 - (1) Between sunset and sunrise or when lights are required for safety without displaying at least one lighted headlight and one lighted taillight.
 - (2) Operating other than as an emergency vehicle and displaying one or more lighted red or combination red or white lights, or other lights which are revolving, rotating, flashing, oscillating or constantly moving lights.
- G. On private property 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 upon the request of the landowner, the lessee, or the duly authorized representative of the landowner or the lessee and, if requested to do so by said landowner or lessee or representative, he shall promptly remove said snowmobile from the premises.

Section 8 – Helmets.

No person shall operate a snowmobile, or ride as a passenger on a snowmobile, on the snowmobile trails, public lands, public streets or highways in the Town of Lyndon unless such person is wearing a protective helmet of a type manufactured under government standards and approved by the State Commissioner of Parks, Recreation and Historic Preservation.

Section 9 – Equipment.

All snowmobiles operating on the snowmobile trails, public lands, public streets and highways in the Town of Lyndon shall be equipped with:

- A. Headlights. At least one white or amber headlamp having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions.
- B. Taillights. At least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.
- C. Brakes. A brake system in good mechanical condition.
- D. Mufflers. An adequate muffler system in good working condition. No snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission to a level greater than that emitted by the snowmobile as originally constructed. No person shall operate a snowmobile that exceeds a noise level of 73 decibels as measured on the A-weighted scale on a decibel meter at a distance of 50 feet.

Section 10 – Operating while under influence of alcohol or drugs.

- A. No person shall operate a snowmobile on public snowmobile trails, public lands, public streets, public highways, bodies of water or private property of another in the Town of Lyndon while such person is in an intoxicated condition.
- B. No person shall operate a snowmobile on public snowmobile trails, public lands, public streets, public highways, bodies of water or private property of another in the Town of Lyndon while such person has .08 of 1% or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva made pursuant to the provisions of Subsection E of this section.
- C. No person shall operate a snowmobile on public snowmobile trails, public lands, public streets, public highways, bodies of water or private property of another in the Town of Lyndon while such person's ability to operate such vehicle is impaired by the use of a drug as defined by the New York State Vehicle and Traffic Law.
- D. Any person operating a snowmobile on public snowmobile trails, public lands, public streets, public highways, bodies of water or private property of another in the Town of Lyndon in violation of any of the provisions of this section, or who has been involved in an accident while operating a snowmobile on public snowmobile trails, public lands, public streets, public highways, bodies of water or private property of another in the Town of Lyndon, shall, at the request of a police officer, submit to a breath test to be administered by the police officer. If such test indicates that such operator has consumed alcohol, the police officer may require such operator to submit to a chemical test in the manner set forth in Subsection E of this section.
- E. Any person who operates a snowmobile on public snowmobile trails, public lands, public streets, public highways, bodies of water or private property of another in the Town of Lyndon shall be deemed to have given such person's consent to a chemical test of such person's breath, blood, urine or saliva for the purpose of determining the alcoholic or drug content of such person's blood, provided that such test is administered at the direction of a police officer having jurisdiction in the Town of Lyndon, if such police officer:
- (1) Has reasonable grounds to believe such person to have been operating a snowmobile in violation of Subsections A, B and C of this section and within two hours after such person has been placed under arrest for any such violation; or
 - (2) If within two hours after a breath test, as provided in Subsection D of this section, indicates that alcohol has been consumed by such person.
- F. A violation of Subsection A, B or C of this section shall be an offense and may be punishable by imprisonment for not more than 15 days or by fine of not less than \$250 nor more than \$500, or by both such fine and imprisonment.
- G. A police officer having jurisdiction in the Town of Lyndon may, without a warrant, arrest a person in case of a violation of Subsections A, B and C of this section if such violation is coupled with an accident or collision in which such person is involved, if the police officer has reasonable cause to believe that the violation was committed by such person and that such person was involved in an accident or collision
- H. Upon making an arrest for a violation of Subsections A, B or C, a police officer may remove or arrange for the removal of the snowmobile to a garage or other place of safety, where it shall remain impounded and shall be in the custody of the local authority and shall not be released unless:
- (1) Payment has been made for the reasonable costs of removal and storage of the snowmobile; and
 - (2) Satisfactory evidence that the action founded upon the charge has been terminated and that any fine imposed as a result of a conviction thereon has been paid.

Section 11 – Severability

If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

Section 12 – Repeal of Local Law 1-1989

The Town Board of the Town of Lyndon hereby repeals Local Law 1-1989 “A Local Law to Regulate the Operation of Snowmobiles on Public Highways and Places in the Town of Lyndon” and adopts Local Law 3-2021 as a replacement.

Section 13 – Effective Date

This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State.

(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 2021 of the ~~(County)(City)(Town)(Village)~~ of Lyndon was duly passed by the Town Board on July 13 2021, in accordance with the applicable *(Name of Legislative Body)* 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 approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 2021, 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 approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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 approved) *(Name of Legislative Body)* (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 chairperson 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.

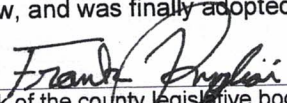
6. (County local law concerning adoption of Charter.)

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 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

Date: July 26, 2021

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

August 4, 2021

Frank Puglisi
Lyndon Town Clerk
852 Lyndon Center Rd
Cuba NY 14727

RE: Town of Lyndon, Local Law 3 2021, filed on July 28 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**