

LOCAL LAW NO. 1 OF THE YEAR 2002

A LOCAL LAW ENTITLED “ AN AMENDMENT TO LOCAL LAW NO. 4, 1985 REGULATING THE OPERATION OF OFF-HIGHWAY VEHICLES WITHIN THE TOWN OF CAMBRIA”

ADOPTED BY TOWN OF CAMBRIA TOWN BOARD FEBRUARY 14, 2002

Be it enacted by the Town Board of the Town of Cambria as follows:

Section 1. Purpose ó The purpose of this Local Law is to protect the public health, welfare and safety by prohibiting and/or regulating the operation of off-road vehicles.

Section 2. Definition ó Off-Road Vehicle- The word off-road vehicle shall mean a motor vehicle which is not equipped in conformity with Vehicle and Traffic Law Section 381 and which is not registered in accordance with the provisions of Vehicle and Traffic Law Section 410 and which is manufactured and sold for operation primarily on areas which are not public highways, and include such vehicles commonly known as motorcycles, mini-bikes, trailbikes, snowmobiles, all-terrain vehicles, go-carts, and mopeds, but shall not include such vehicles when used customarily for agricultural, business, gardening, or property maintenance purposes.

Section 3. Town Lands ó No person shall operate or drive an off-road vehicle on Town lands at any time, without written prior consent of the Town.

Section 4. Highways ó No person shall operate or drive an off-road vehicle on any portion of highways within the Town of Cambria. The word highways shall include State highways, County highways, Town highways by dedication or by use.

Section 5. Restrictions

- (a) It shall be unlawful for any person to drive or operate any Off-Road Vehicle on private lands of another person within the Town of Cambria without written permission of the owners or occupants of said property. The written permission must be in the possession of the persons operating the Off-Road Vehicle and must be presented upon demand to any peace officer or police officer so demanding.
- (b) The following are prohibited within the Town of Cambria at all times:
 - 1. The operation of any Off-Road Vehicle in such a manner as to disturb or interfere with the peace and tranquility of persons by creating loud, unnecessary or unusual noise or dust.
 - 2. The operation of any Off-Road Vehicle in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any persons including the operator of the vehicle.
 - 3. The operation of any Off-Road Vehicle at a rate of speed greater than reasonable or proper under the surrounding circumstances.
 - 4. The operation of any Off-Road Vehicle, with or without written permission within five hundred (500) feet of any dwelling other than the dwelling house of the operator, except for purposes of ingress and egress from operator's property.

5. The operation of any Off-Road Vehicle, on any lands leased, owned or controlled by the Town of Cambria except as provided by Local Law. This shall not be construed to prohibit lawful operation of vehicles on public streets or thoroughfares.
6. Off-Road Vehicles in the Town of Cambria shall be subject to all New York State regulations, as amended.
7. To alter or modify the Off-Road Vehicle's muffler in any manner

Section 6. Exceptions

- (a) Section 5 shall not apply in those instances where a duly licensed operator of a duly licensed Off-Road Vehicle is entering the public highway from a private driveway.
- (b) This Local Law shall not apply to police and emergency vehicles.
- (c) This Local Law shall not apply to the use of Off-Road Vehicles for commercial agricultural production.
- (d) This Local Law shall not apply to use of snowmobiles on public highways where properly designated as road crossing by the Town of Cambria.

Section 7. Penalties for Offenses

A failure to comply with the provisions of this Local Law shall be deemed a violation, and the violator shall be subject to a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment not exceeding fifteen (15) days, or both.

Section 8. Impoundment: Confiscation

- (a) Notwithstanding Section 7, any enforcement officer of the Town of Cambria, Niagara County Sheriff's Department or New York State Police who shall encounter any person operating an Off-Road Vehicle in violation of this Local Law may impound said vehicle and shall place said vehicle in a location designated by the Town of Cambria, and such vehicle may be reclaimed by the owner of such vehicle upon payment of expenses and charges necessary and actually incurred by the removal of said vehicle. If the owner of said vehicle is a minor under the age of eighteen (18) years, then the parent or guardian of said infant shall accompany the infant on the date the vehicle is picked up and expenses and charges are paid. (Minimum fee of \$100.00).

- (1) In the case of a second or subsequent violation, the court may order confiscation of said vehicles in lieu of any fine and/or imprisonment. Any vehicle which is confiscated pursuant to this section will be sold at public auction according to the appropriate procedures and law affecting public auctions by municipalities (Minimum bid should reflect cost and penalties to date).

Section 9. Enforcement ó The Town of Cambria, Niagara County Sheriff's Department and the New York State Police shall enforce the provisions of this Local Law.

Section 10. This Local Law shall void and nullify the Town of Cambria Snowmobile Ordinance adopted on May 1, 1975 and supercede Town of Cambria Local Law No. 4, 1985.

Section 11. Validity ó If any clause, sentence or provision of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity thereof shall not affect, impair or invalidate the remainder of this Local Law.

Section 12 Effective Date ó This Local Law shall become effective immediately on filing with the Secretary of State.