

(Use this form to file a local law with the Secretary of State.)

COPY

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 of Stratford  
Town  
Village

Local Law No. 1 of the year 1995

A local law Regulating the Use of Off-Road Motor Driven Vehicles on Town Roads and Town Property of the Town of Stratford

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

County  
City of Stratford as follows:  
Town  
Village

- Section 1: Title
- Section 2: Definitions
- Section 3: Legislative Intent
- Section 4: Prohibited Operations of Motor Driven Vehicles
- Section 5: Rules and Regulations
- Section 6: Enforcement
- Section 7: Exceptions
- Section 8: Penalties
- Section 9: Validity
- Section 10: Effective Date

SECTION 1: TITLE

This local law shall be known and may be cited as Local Law No. 1 of 1995 Regulating the Use of Off-Road Motor Driven Vehicles on Town Roads and Town Property of the Town of Stratford and Privately Owned Property.

SECTION 2: DEFINITIONS

For the purpose of this local law an off-road motor vehicle is a motorcycle as defined in Section 123 of the Vehicle and Traffic Law of the State of New York which is not equipped in conformity with the provisions of Section 381 of the Vehicle and Traffic Law of the State of New York, is not registered in accordance with the provisions of Section 410 of the Vehicle and Traffic Law of the State of New York, and which is manufactured and sold as snowmobile and two, three and four wheel motorized recreational vehicles.

**SECTION 3: LEGISLATIVE INTENT**

It is the purpose of this local law to preserve and promote the health, safety and general welfare of those inhabitants of the Town of Stratford who wish to use and operate motor driven vehicles on town roads or municipal property

**SECTION 4: PROHIBITED OPERATIONS OF MOTOR DRIVEN VEHICLES**

It shall be unlawful to operate or for the owner to permit the operation of any type of motor driven vehicle or conveyance, including but not limited to four wheel motor vehicles and snowmobiles under the following circumstances:

A. On private property of another person without written permission of the owner or occupant of said property. The said written permission must be in the possession of the person operating the motor vehicle and must be presented upon demand to any peace officer or police officer so demanding.

B. Any property owned, leased or controlled by the Town of Stratford except on town roads.

C. On town roads and town property owned by the Town of Stratford as follows:

1. In such a manner as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of the town people;
2. In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or town roads and town property of any person, including the operator of said vehicle;
3. At a rate of speed greater than reasonable or proper under the surrounding circumstances;
4. While in an intoxicated condition or under the influence of narcotics or drugs as defined by Section 1192 of the Vehicle and Traffic Law;
5. Between sunset and sunrise or when lights are required for safety without displaying at least one lighted headlight and taillight.

**SECTION 5: RULES AND REGULATIONS**

A. The Town Board is hereby empowered to make and promulgate, from time to time by order or resolution, such rules and regulations relating to the use and operation of off-road motor vehicles on off-road trails and in off-road competitions, including the requirement of instruction and training, as the Town Board may determine in the interest of promoting the public welfare, convenience and safety.

B. For the purpose of otherwise achieving enjoyable and proper use of off-road motor-driven vehicles, Sections 2402, 2403, 2404, 2405 and 2406 of the NYS Vehicle and Traffic Law are incorporated and included herein.

C. For the purpose of implementing and enforcing such rules and regulations the Town Board may impose such restrictions, limitations and conditions as the Town Board may deem appropriate.

**SECTION 6: ENFORCEMENT**

Fulton County Sheriff's Department and/or the New York State Police or any other police officer and any other peace officer shall enforce the provisions of this local law.

**SECTION 7: EXCEPTIONS**

This local law shall not apply to police and emergency vehicles.

**SECTION 8: PENALTIES**

Any member of the Fulton County Sheriff's Department and/or the New York State Police or any other enforcement officer, who shall encounter any person operating a motor driven vehicle or conveyance in violation of this local law shall remove said vehicle or conveyance to a place designated by the arresting officer's department. The owner or duly designated agent of the owner of such vehicle or conveyance may regain same upon payment of all expenses and charges necessarily and actually incurred by the removal and/or storage of said vehicle or conveyance.

Any person, firm or corporation violating or permitting the violation of any provision of this local law shall be guilty of a misdemeanor and shall be subject to a fine of not less than ten dollars (\$10.00) nor more than two hundred and fifty dollars (\$250.00) or imprisonment of not more than six (6) months, or both such fine and imprisonment. In the case of a second or subsequent violation, the Court may order confiscation of said vehicle or conveyance which if confiscated pursuant to this section, will be sold at public auction according to the appropriate procedures and laws affecting public auctions by municipalities.

In addition, any and all persons, firms or corporations violating or permitting a violation of any of the provisions of this local law, or omitting or refusing to do any act required by this local law, shall severally, for each and every violation and noncompliance respectively be liable for a civil penalty of fifty dollars (\$50.00). The impositions of all penalties for any violation of this local law shall not excuse the violation or permit it to continue. The application of the above penalties or the provisions of this local law shall not be held to prevent the enforcement of this local law by other action.

**SECTION 9: VALIDITY**

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 10: EFFECTIVE DATE**

This local law shall become effective immediately upon its posting and publication as provided by law.



XXXXXX I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 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 \_\_\_\_\_ to become operative.

XXXXXX I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 31 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 of 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.

*Carolyn Walker Clerk*  
Clerk of the County Legislative Body, City, Town or Village Clerk  
or officer designated by local legislative body  
CAROLYN WALKER - TOWN CLERK  
Date: Nov. 9, 1995

(Seal)

Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Fulton

the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature CHARLES P. CAPUTO  
TOWN ATTORNEY  
Title \_\_\_\_\_  
County NY of Stratford  
Town \_\_\_\_\_  
Village \_\_\_\_\_  
Date: \_\_\_\_\_