

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~~ of VILLAGE OF CAPE VINCENT
~~TOWN~~
Village

Local Law No. 6 of the year 2003

A local law REGULATING THE OPERATION OF SNOWMOBILES
(Insert Title)

Be it enacted by the VILLAGE BOARD of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of CAPE VINCENT as follows:
~~TOWN~~
Village

Article 1. - Statement of Authority. The Board of Trustees of the Village of Cape Vincent, pursuant to the power granted it under the New York State Parks, Recreation and Historic Preservation Law, Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enacts as follows:

Article 2. - Statement of Purpose and Finding. The Board of Trustees of the Village of Cape Vincent hereby finds the need to protect the public health, welfare and safety by regulating the operation of snowmobiles on public highways and places in the Village of Cape Vincent in a manner which will be compatible with the use of such highways and places for vehicular and pedestrian travel and other uses, and which shall promote the safe and proper use of snowmobiles for recreation and commerce and for entering and leaving the Village of Cape Vincent while minimizing detrimental effects of such use on the environment.

Article 3. - Enactment. The Village Board of the Village of Cape Vincent hereby enacts as follows:

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

Section 1. - Definitions.

1. "Person" includes an individual, partnership, corporation, municipal corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.
2. "Municipal Corporation" includes a county, city, town, village, school district, fire district and a special or improvement district of a county or town.
3. "Snowmobile" means 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.
4. "Owner" means a person other than a lien holder, having the property in or title to a snowmobile.
5. "Operator" means every person who operates or is in actual physical control of a snowmobile.
6. "Operate" means to ride in or on, other than as a passenger, use or control the operation of an snowmobile in any manner, whether or not said snowmobile is underway.
7. "Public Way" means any public highway, road, street, avenue, alley, place or driveway.
8. "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
9. "Street or Highway" means the entire width between 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.
10. "Special Event" means an organized race, exhibition or demonstration of limited duration which is conducted according to prearranged schedule and in which general public interest is manifested.
11. Whenever the word "Village" is used herein, it shall mean the Village of Cape Vincent.

Section 2. Public Ways of the Village.

1. All Village streets or highways, other than those which may be specifically opened are hereby designated as unavailable for use by snowmobiles.
2. The following Village streets are hereby opened:

4. Limited Operation on Streets:

- a) Emergency. When authorized or directed by State or Local Police Officer, an snowmobile may be operated on any portion of the excluded highways for the purpose of such an emergency as provided by Article 8 of the Conservation Law.

Section 3. Designated State Highway Crossings. The following are designated as snowmobile crossing areas:

1. NYS Route 12E at Market Street and West Broadway in both a North/South and East/West direction.
2. Market Street (NYS Route 12E) at Lake Street in a East/West direction.
3. West Broadway (NYS Route 12E) at James Street in a North/South Direction.
4. East Broadway (NYS Route 12E) at Ellen Street in a North/South Direction.

Section 4. Conditions and Restrictions. Whenever the operation of an snowmobile is permitted on any Village Street or Highway or portion thereof as provided in this local law, the following conditions and restrictions are hereby imposed to all such snowmobile operations:

1. Public or Private Lands: An snowmobile shall not be operated on any lands owned or occupied by, or under the jurisdiction of a governmental agency including lands owned by the Village of Cape Vincent the Town of Cape Vincent and the School District or privately owned, except with written permission of any such owner or occupant. The operator of the snowmobile shall carry said written permission while operating a snowmobile on said lands. The operator of the snowmobile shall produce evidence of such permission to any legally authorized enforcement officer.
2. Sidewalks: It shall be unlawful to operate a snowmobile upon a public sidewalk or walkaway.
3. Direction of Travel: No person shall operate a snowmobile within the street or highway right of way of the Village except on the right side of such right of way and in the same direction as the highway traffic. Operation on any other public places shall be only in direction, if any marked by appropriate route direction signs.

4. Prohibited Operating Hours: No person shall operate a snowmobile on any Village streets between the hours of 12:00 a.m. (midnight) and 6:00 a.m.
5. Unnecessary Noise: It shall be unlawful to operate a snowmobile, including at special events as permitted and sanctioned by the office of the Mayor, in any manner which creates a loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons or in any other manner which constitutes a public nuisance or annoys, or injures or endangers the health, safety, comfort or repose of the public. No person shall use a muffler cutout, bypass or other devices to defeat the operation of a muffler in good working condition.
6. Financial Security: It shall be unlawful for any person to operate a snowmobile on any Village highway or on public lands unless the owner or operator of such snowmobile is insured against public liability and carries with him proof of financial responsibility, such as a certificate of liability insurance of the type, coverage and of the minimum amount as defined and required of owners and operators of motor vehicles by the Vehicle and Traffic Law of the State of New York.
7. Unattended Snowmobiles: It shall be unlawful for any owner or operator to leave or allow a snowmobile to be left unattended on any Village street while the motor is running or with any key for starting the same, left in the ignition or elsewhere in or on said snowmobile.
8. Obedience to Vehicular Traffic Control: Each person operating a snowmobile on any Village street shall observe strictly all vehicular traffic signs and signals and all other rules and regulations applicable to vehicular traffic and shall obey the orders and direction of any state or local police including fire police, or other law enforcement authorized to direct or regulate traffic.
9. Age of Operator: No one under the age of 16 years shall operate a snowmobile on any Village highway, except between the ages of 10-16 with an adult or 14-16 with a Snowmobile Safety Certificate.
10. Speed Limit: No one shall operate a snowmobile on the streets or highways of the Village at a speed greater than fifteen (15) miles per hour.

Section 5. Violations. Any person who shall violate any section of this local law shall be guilty of a violation as defined by the Penal Law of the State of New York and be punished by a fine of not less than \$25.00 nor more than \$50.00 for a first offense, not less than \$50 nor more than \$200 for a second offense within a

3 year period, and not less than \$100 or more than \$250 for a third or subsequent offense within a three year period and/or a term of imprisonment not to exceed five (5) days. In the event the person violates the law is under the age of 16 then in that event the parent, guardian, or custodian of such child shall be held responsible for that child's citation.

Article 4. - Severability. Should any sections or provisions of this local law be declared invalid, such decision shall not affect the validity of the remaining portions of this local law.

Article 5. - Effective Date. This local law shall become effective after filing in the office of the Secretary of State of the State of New York.

(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. 6 of 20 03 of the ~~(County)~~(City)~~(Town)~~(Village) of CAPE VINCENT was duly passed by the Village Board on November 3 20 03, in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or re passage 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, 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) (repassed after disapproval) by the _____ on _____ 20 _____. 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) (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.~~

Nancy Krupar
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 28, 2003

(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 _____

I, 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]
Signature

VILLAGE ATTORNEY
Title

~~County~~
~~City~~ of CAPE VINCENT
~~Town~~
Village

Date: NOVEMBER 26, 2003