

June 2,

2005

Public Hearing-Snowmobiles & ATV's

James Sgroi, Deputy

Francis Spatol, Frank Kipper and John Spina

Mayor Frank M. Moracco was absent

In Attendance: Joseph DeJohn

The Public Hearing meeting was called to order at 6:00 p.m. following the Pledge of Allegiance and Roll Call.

LOCAL LAW 3-2005

A local law to amend the Code of the Village of Frankfort to add a new Chapter 127 regulating the operation of snowmobiles and all-terrain vehicles in the Village

Section 1. The Code of the Village of Frankfort is hereby amended by adding thereto a new Chapter 127, to read as follows:

Chapter 127

SNOWMOBILES AND ALL-TERRAIN VEHICLES

§ 127-1. Title.

This chapter shall be known as and may be cited as the "Snowmobile and All-Terrain Vehicle Law of the Village of Frankfort."

§ 127-2. Purpose.

The purpose of this chapter is to protect health, welfare and safety by regulating the operation of snowmobiles and all-terrain vehicles (ATV's) on public highways and other places in the Village of Frankfort. Such operation would be in a manner compatible with the use of such highways and places for vehicular and pedestrian travel. Such operation would promote the safe and proper use of snowmobiles for recreation and commerce and minimize the detrimental effects of such use on the environment

§ 127-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALL TERRAIN VEHICLE or ATV -- Any self-propelled vehicle manufactured for operation primarily on off-road trails or in off-road competitions and only incidentally operated on public highways. Included within such definition are vehicles commonly referred to as "dirt bikes," "minibikes," "go-carts," "dune buggies" and "trail bikes."

SNOWMOBILE -- Any self-propelled vehicle designed for travel on snow or ice, steered by skis or runners, and supported in whole or part by one or more skis, belts or cleats.

§ 127-4. Operation of all-terrain vehicles in public places.

The operation of ATV's is prohibited on all public highways and public lands in the Village of Frankfort.

§ 127-5. Operation of snowmobiles on streets restricted.

A. It will be unlawful for any person to operate a snowmobile on any street or highway in the Village of Frankfort except for the operation by a resident or his guest for the sole purpose of leaving the Village from such residence by the most direct route to a designated trail.

B. With the exception of a resident's or guest's egress from the Village of Frankfort, travel on streets, highways and public or private property is prohibited without specific permission by public authority or private property owners.

C. Specific prohibition will exist for nonresidents on those parts of Main Street from the intersection of Litchfield Street east to Reese Road and on Main Street from the intersection of Cemetery Street west to the Village line. Also, prohibited is travel on Litchfield Street from the intersection of Pleasant Avenue south to the Village line and on Railroad Street from the intersection of Main Street north to Orchard Street.

June 2, 2005

Public Hearing Local Law 3-2005

D. Access will be granted to Main Street gas stations and restaurants, as well as other nearby restaurants, from a designated posted trail along the parklands bordered by Canal Street, Pleasant Avenue and First Avenue between Litchfield Street and Reese Road. Such access would be along a straight line between the posted trail and the place of business. Barring such access, it shall be permissible to park snowmobiles, off the side of the trail, for a reasonable period of time in order to call upon commercial establishments.

§ 127-6. Operation of snowmobiles by minors.

No person under the age of 10 years shall operate a snowmobile in the Village of Frankfort. Operation of a snowmobile in the Village of Frankfort by a person 10 years of age and less than 16 years of age is hereby restricted and subject to the following provisions:

- A. Such an operator is defined for purposes of this chapter as a “youthful operator.”
- B. Operation by a youthful operator is subject to the provisions of local laws pertaining to Village Codes as herein modified and restricted.
- C. A youthful operator must be accompanied by and under the immediate supervision of a snowmobile operator 16 years of age or older and there must be at least one such operator for each group of three or fewer youthful operators.

§ 127-7. Hours of snowmobile operation.

No person shall operate a snowmobile on or in any of the permitted or designated areas between the hours of 10:00 p.m. and 8:00 a.m.; except that on Fridays, Saturdays and holidays the prohibited hours shall be between 12:00 p.m. and 8:00 a.m. For the purpose of this section, the word “holidays” shall mean Christmas Day, New Year's Day, Presidents Birthday and Easter (as date allows). Snowmobile travel is not permitted until after the close of big game hunting season as stipulated by the State of New York and must cease as of April 1.

§ 127-8. Snowmobile operation requirements and restrictions.

A. No snowmobile shall be operated on a snowmobile trail, street, highway or public lands in the Village of Frankfort 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 Article 25 of the Parks, Recreation and Historic Preservation Law of the State of New York.

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 demand of a magistrate, police officer or state police officer while such vehicle is being operated on any street or highway or public lands in the Village of Frankfort 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.

C. No snowmobile shall be operated in the Village of Frankfort unless it is equipped as specified in Article 25 of the Parks, Recreation and Historic Preservation Law and Article 48-C of the vehicle and Traffic Law, respectively, requiring proper brakes, muffler, head- and taillights and other items.

D. It shall be unlawful for any reason to operate a snowmobile on the sidewalks of the Village of Frankfort except to cross it at approximately right angles to gain access to property upon which operation is lawful.

E. The operator of a snowmobile 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 directions of any state or local police officer or other law enforcement officer authorized to direct or regulate traffic.

F. Pleasure operation is prohibited other than on any routes for snowmobile use which may be designated hereafter by resolution of the Board of Trustees for the purpose of gaining access to permitted snowmobile trails within or without the Village of Frankfort.

G. No person shall operate a snowmobile within the Village of Frankfort at a speed greater than 10 miles per hour.

H. No person shall operate a snowmobile on a highway under conditions wherein visibility has been reduced below 100 feet, except in case of emergency.

I. The snowmobile operator shall be seated on or have one knee in contact with the seat of the snowmobile.

June 2, 2005

Page 3 of 4

Public Hearing Local Law 3-2005

J. A snowmobile may be operated, at any hour, on the Village of Frankfort streets and highways during the course of an emergency situation.

K. No person shall operate a snowmobile on any street or highway except on the right side of the road while traveling in a single file in the same direction as the flow of vehicular traffic with the snowmobile running lights on.

L. No snowmobile shall be operated in any manner that would interfere with the operation of snowplows operating on the streets or sidewalks of the Village of Frankfort.

M. No person shall operate or ride upon a snowmobile unless he or she wears a protective helmet approved by the Commissioner of Motor Vehicles for use in the operation of motorcycle equipment pursuant to the Vehicle and Traffic Law. Such helmet must be equipped with either a neck or chin strap and be reflectorized on both sides.

N. It shall be unlawful for any person to operate a snowmobile in a manner that creates loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons. Further, it shall be unlawful to operate a snowmobile in a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any person.

O. It shall be unlawful for any owner or operator to leave or allow a snowmobile to be left unattended on any Village of Frankfort street, highway or public place except as described for the purpose of calling upon a commercial establishment.

P. Pedestrians and all motor vehicles, including snowplows, shall have the right-of-way over all snowmobiles operated within the Village of Frankfort.

§ 127-9. Village liability.

The Village of Frankfort does not extend any assurance to owners, operators or occupants of snowmobiles or to any other person that any public lands, trails, rights-of-way, streets or highways, or the shoulders or snowbanks thereof, upon which the operation of snowmobiles is permitted, are safe for such purpose; nor does the Village assume responsibility or incur liability for any injury to person or property caused by an act or omission of any person operating a snowmobile thereon.

The Village of Frankfort is not responsible for grooming, maintaining, marking, posting, placing of any type of signage or fencing along any of the designated route of travel.

§ 127-10. Penalties for offenses.

Unless otherwise provided in the Vehicle and Traffic Law, any person committing an offense against any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished for each offense by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

Section 2. Repealer.

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed. This Local Law specifically repeals Chapter 146.

Section 3. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Trustee Frank Kipper thanked the committee of Joseph DeJohn, Ed Freedman, and Butch Staffo for their many hours of research, meetings, phone calls, etc and to thank former Chief Ronald Gatto and Attorney Nicholas Macri, and Village Clerk Sharon Carlesimo for their expertise. The purpose of the Local Law is to protect the health, welfare and safety of all the residents and guests by regulating the operation of snowmibiles and all ATV's on public highways and other places in the Village.

Respectfully Submitted,

Sharon V. Carlesimo, RMC/CMC
Village Clerk/Treasurer