

# 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.)

FILED  
STATE RECORDS

of ANGELICA

OCT 21 2021

DEPARTMENT OF STATE

Local Law No. 1 of the year 20<sup>21</sup>

A local law REGULATING USE OF LIMITED USE VEHICLES AND ALL TERRAIN VEHICLES  
(Insert Title)  
ON VILLAGE HIGHWAYS

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

County  City  Town  Village  
(Select one.)

of ANGELICA as follows:

SEE ATTACHED LOCAL LAW TEX ATTACHED HERETO.

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

(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. 1 of 2021 of the ~~(County)(City)(Town)~~(Village) of ANGELICA was duly passed by the BOARD OF TRUSTEES on OCTOBER 18 2021, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

~~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 \_\_\_\_\_ 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) *(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 no valid petition requesting such referendum was filed)~~

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 of Albany, Albany County, State of New York~~

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 of Albany, Albany County, State of New York~~

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.)**

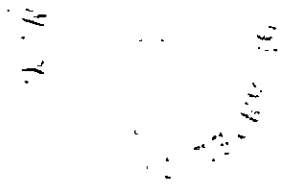
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Karen E. ...*

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

Date: 10-19-2021

(Seal)



**Village of Angelica**  
**Introductory Local Law No. 1 of the Year 2021.**

**A local law Regulating Use of Limited Use Vehicles and All Terrain Vehicles on Village Highways.**

**Section 1. Title and Authority** This local law shall be known as the Village of Angelica ATV Law. It is adopted pursuant to sections 10 and 20 of the Municipal Home Rule Law and intended to broaden the use of Village roads for the vehicles listed herein and exceed any use limitation under any state law to the extent permitted by Sections 10 and 20 of the Municipal Home Rule Law.

**Section 2. Legislative Intent** Upon examination of Village Highway usage and safety issues and with the intent to provide lawful operators of limited use vehicles and all-terrain vehicles with suitable locations for their use, and to discourage unlawful trespass upon local lands managed by the New York State Department of Environmental Conservation, private lands, and unsafe operation of limited use vehicles and all-terrain vehicles, the Village Board enacts this law regulating limited use vehicles and all-terrain vehicles.

**Section 3. Definitions**

- a. LUV - "LUV" shall mean "Limited Use Vehicles" as defined by Article 48-A of the Vehicle and Traffic Law.
- b. ATV - "ATV" shall mean "All-Terrain Vehicles" as defined by Article 48-C of the Vehicle and Traffic Law shall also include vehicles commonly referred UTVs, "side-by-sides," quads, trikes designed primarily for off-road use.
- c. Village Highways - "Village Highways" shall mean those roads on the inventory of Village highways of the Village of Angelica.
- d. SHOULDER – that portion of a highway or road immediately adjacent to the right side of a roadway, customarily used for emergency travel or parking.
- e. SIGNIFICANT DAMAGE – any damage which costs the property owner at least \$500 to restore to its pre-damaged condition.

**Section 4. Use** Pursuant to Section 1660 and Section 2405 of the Vehicle and Traffic Law, the Village Highways and Roads attached to this Local Law as an Appendix 1 are hereby designated as open for LUV and ATV use. Appendix 1 may be revised from time to time upon notice to the public and approved by resolution of the village board after a public hearing.

**Section 5. Rules and Regulations**

- a. No LUV or ATV shall be operated on the Village Highways, except in accordance with the provisions of the Vehicle and Traffic Law of the State of New York.
- b. No LUV or ATV shall be operated on any Village Highway unless it is properly licensed, registered, or insured as required by the Vehicle and Traffic Law of the State of New York.
- c. No person shall operate an LUV or ATV on a Village Highway at a rate of speed in excess of 20 mph.
- d. All operators of LUVs and ATVs shall proceed in a single file when driving upon or crossing a Village Highway.
- e. Hours of Operation. No person shall operate and LUV or ATV within 200 feet of a dwelling between the hours of 11:00 pm and 8:00 am. Each person operating an LUV or ATV on any Village Highway or Street shall strictly observe all vehicular traffic signs and signals and all other rules and regulations applicable to vehicular traffic and shall obey all the order and directions of any state or local law

enforcement officer authorized to direct or regulate traffic.

g. Position on the road – it shall be unlawful to operate an LUV or ATV on a public street or highway in the Village in any manner other than single file and as near to the right-hand curb or shoulder as safely practicable and in the same direction as traffic. Any ATV or LUV must yield right of way to non-ATV/LUV vehicles.

h. Any ATV or LUV operating on Village Highways or Roads must comply with the equipment requirements set forth in Article 48-C of the VTL. ATVs and LUVs must have a functional rear view mirror. In addition, lights must be on at all times when operating on a Village Highway or Road.

i. Any ATV or LUV owner wishing to operate on Village Highways or Roads shall obtain a sticker which shall be displayed on the ATV or LUV or helmet. Stickers must remain visible, unobstructed and clean. The cost of such sticker shall be established by the Board of Trustees and may be changed from time to time by resolution of the board, said resolution to be posted on the Village Website and Village Bulletin Board.

j. Any ATV or LUV owner wishing to operate an ATV or LUV on Village highways or roads must provide proof of ownership, insurance, licensing and registration (if applicable under state law) prior to obtaining a sticker. Proof of same shall be provided upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of use of such vehicle by any such owner or operator. Failure to produce such proof shall be presumptive evidence of operating the vehicle without insurance against public liability. Vehicle registration and licensing shall apply only if the owner's state of residency requires it. However, all vehicles must be insured—no exceptions.

j (1). Any operator or ATV or LUV owner who obtains a sticker shall be provided a copy of this local law and deemed to know and understand its provisions before riding and shall be responsible for communicating the law's requirements to any person operating his/her ATV or LUV.

k. It shall be unlawful for any person without a valid state driver's license to operate an LUV or ATV on designated Village Roads. No one under the age of 16 shall operate an ATV or LUV on any Village Highway or Road. The parent or guardian of any child under 16 shall have their road use privileges revoked if their child is found guilty of violating this provision. Anyone with a suspended driver's license may not operate an ATV or LUV on the designated roads. Anyone who has had their ATV/LUV privileges in any other jurisdiction allowing ATV/LUV use of local roads are likewise prohibited from using Village roads for the same purpose. The Village has the right to contact other jurisdictions to confirm whether any such privileges have been suspended or revoked.

l. No person shall operate an ATV or LUV on a designated road in such a manner as to create loud, unnecessary or unusual noise so as not to unreasonably disturb or interfere with the peace and quiet of Village residents or which engine exceeds 90 decibels. Aftermarket exhaust systems or components are prohibited unless they are designed to reduce emissions or dampen noise.

m. No person shall operate an ATV (as defined in Section 3) or ride as a passenger on an ATV unless wearing a DOT-approved helmet.

n. No person shall operate an ATV or LUV in a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.

o. Any ATV operating on any Village Highway or Road must securely install a reflective, orange and red, triangular-shaped Slow Moving Vehicle sign in a manner that is unobscured, affix a minimum of 24 inches of reflective red and white tape on the rear of the vehicle, reflectors at the rear of the vehicle or wear a high visibility, reflective vest. Any one of these options are permissible.

## **Section 6. Signage**

a. When installing signs designating roads upon which ATVs or LUVs may ride, the Superintendent of Highways of the Village shall post Village Highways in the manner provided by the Rules and Regulations of the Commissioner of Motor Vehicles.

**Section 7. Filing** The Village Clerk is authorized to file a copy of this Local Law with the Commissioner of Motor Vehicles, in addition to appropriate filing with the Secretary of State.

**Section 8. Violations and Penalties**

a. Any person convicted of a violation of any of the provisions of this Local Law shall be guilty of an offense and shall be punished by a fine of not less than \$200 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; and for a second or subsequent conviction within 18 months thereafter, such person shall be punished by a fine of not less than \$400 nor more than \$750 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each violation of any provision of this Section shall be deemed a separate and distinct offense. A person may be charged with more than one offense and shall be subject to imposition of a fine for each such offense. A person who is convicted, or negotiates a civil compromise, as a result of being cited for violating this Local Law 3 times within a 5-year period shall have their privilege to utilize Village Highways and Roads for ATV and LUV purposes revoked for a period not to exceed 3 years.

b. It shall be an aggravated offense if the use of an ATV or LUV in violation of this Local Law results in injury to any person, damage to crops or nursery stock, or otherwise involves damage to agricultural business stock. The person found to have committed an aggravated offense shall be subject to doubled fines set forth in this Section.

c. A law enforcement officer may impound any ATV or LUV if:

1. The ATV or LUV is involved in an accident causing serious injury or death;
2. The ATV or LUV operator is observed or caught causing significant damage to private or public property; or
3. The ATV or LUV operator is observed or caught trespassing with his vehicle on public or private property; or
4. The operator is in excess of a third violation of Section 5 (c).

d. The period of impoundment of the ATV or LUV shall be for such time period as necessary for law enforcement purposes, which shall include use of the vehicle for identification in any court action. Any person wishing to have an ATV or LUV released from impoundment must make a motion before a court of competent jurisdiction, and said ATV or LUV shall be released upon court order and payment of all applicable fines and fees. Upon receipt of said court order, the ATV or LUV shall be released by the authority of the Village Attorney or Mayor upon payment of all impoundment fees that may apply and upon direct payment of all towing and storage charges imposed by private towing concerns which the Village may use for the purpose of impoundment.

e. Civil Compromise – The Village Justice is empowered to approve and enter an order of consent as a civil compromise between the Village and any person consenting to the imposition of a mandatory civil penalty not less than \$200 nor more than \$750 per offense and suspending prosecution until all conditions imposed in the civil compromise are completed by the defendant in the time frames established by the order.

f. Board of Trustees may amend the fines and penalties upon resolution of the Board. Notice of any such changes shall be posted immediately on the Village website and at the village hall.

g. This law shall be enforced by Village law enforcement personnel, the Allegany County Sheriff's the New York State Police or a Department of Environmental Conservation Officer or any other such person or entity as the Board of Trustees may determine hereafter by resolution.

**Section 9. State Lands** This Local Law will have no effect on the DEC policies regarding ATV use on state land. ATV and LUV riders who trespass on state forests, including forest roads, will be ticketed and prosecuted. This will include parking of such vehicles off the legal right-of-way of the public highway.

**Section 10. Severability** Should any section or provision of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions hereof.

**Section 11. Effective Date** This Local Law shall become effective upon filing with the Secretary of State of the State of New York as provided by the Municipal Home Rule Law.

## **Appendix 1**

Town Hill Road  
Horner Road  
Peavy Road  
Main Street – East & West  
Olean Street  
Brooklyn Street  
Railroad Avenue to Brooklyn Street  
Peacock Hill Road  
North Street  
Park Circle  
Lamont Road



**Resolution #13-1021 - ATV or LUV Annual Sticker Cost**

Offered by Mayor Trivisonoli and seconded by Trustee Haggstrom the following: Any ATV or LUV owner wishing to operate on village highways or roads shall obtain a sticker which shall be displayed on the ATV or LUV or Helmet. Stickers must remain visible, unobstructed and clean. The cost of such sticker shall be five dollars (\$5.00) annually with all stickers expiring on December 31<sup>st</sup> of each year.

Roll Call Vote 3-0

The mayor therefore declared the resolution duly adopted.