

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.)

of Yorktown

Local Law No. 6 of the year 2024

A local law to amend Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND
(Insert Title)
TRAFFIC"

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

County City Town Village
(Select one.)

of Yorktown as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Chapter 275 Article IV of the Code of the Town of Yorktown is hereby amended and replaced in its entirety with the following language:

§ 275-25. Title.

This Part 2 shall be known and may be cited as the "Yorktown All-Terrain Vehicle and Off-Highway Motorcycle Law."

§ 275-26. Legislative purpose.

The Town Board of the Town of Yorktown recognizes the potential adverse impact on the health, safety and general welfare of the residents of the Town of Yorktown, and to property within the Town by the use of motorized, all-terrain vehicles and off-highway motorcycles, and therefore, deems it appropriate to control the use of said all-terrain vehicles and off-highway motorcycles.

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

§ 275-27. Definitions.

For the purpose of this Part 2, the following terms shall have the meanings indicated:

PUBLIC PROPERTY — All streets, sidewalks, easements, rights-of-way or any other areas dedicated or commonly used for vehicular or pedestrian traffic, including any real property situated within the Town of Yorktown which is used for educational purposes or purposes incidental thereto.

TOWN-OWNED LAND — All parks, recreation areas, trails, ball parks, lake areas, storage facilities, garage areas, parking areas and any and all other Town owned land and premises.

ALL-TERRAIN VEHICLES — as defined in Section 2281(1) of the New York State Vehicle and Traffic Law. For the avoidance of doubt, "All-Terrain Vehicles" is intended to encompass all recreational motorized vehicles with more than two wheels, including but not limited to those commonly referred to as "ATVs," "RTVs," "UTVs," "quads," "go-carts," "side-by-sides," "SxSs," "SSVs," and/or "dune buggies."

OFF-HIGHWAY MOTORCYCLES — as defined in Section 125-a of the New York State Vehicle and Traffic Law. For the avoidance of doubt, "Off-Highway Motorcycles" is intended to encompass motorized vehicles commonly referred to as "trail bikes," "mini-bikes," "motocross" or "dirt bikes," but is not intended to encompass electric scooters as defined in Section 114-e of the New York State Vehicle and Traffic Law or bicycles with electric assist as defined in Section 102-c of the New York State Vehicle and Traffic Law.

§ 275-28. Operation on public property and Town-owned land prohibited.

It shall be unlawful for any person to operate any all-terrain vehicles or off-road motorcycles upon any public property or Town-owned land in the Town of Yorktown. It shall also be unlawful for any person to operate any registered motor vehicle, including but not limited to jeeps, 4x4s and trucks, on any off-road trail within any Town park.

§ 275-29. Operation on private property restricted.

The operation of an all-terrain vehicle or off-highway motorcycle is prohibited upon private property unless the operator of said all-terrain vehicle or off-highway motorcycle has the written consent of the owner of said private property to operate said vehicle on said property on said operator's person.

§ 275-30. Parking on public or private property; impounding.

A. No person shall cause any motor vehicle which is not properly registered and which does

not have properly affixed license plates to be parked on or in any public area or any private property accessible to the public within the Town of Yorktown (specifically, including but not limited to all Town-owned parking lots, all Town parks, all shopping center parking lots, all office building parking lots accessible to the public, all store parking lots accessible to the public, and all business parking lots accessible to the public) for a continuous period of 96 hours. Such motor vehicle may be removed after 96 hours. Each 24 hours that such a vehicle remains in such parking area, lot, property or park, beyond the initial 96 hours, shall constitute an additional, separate and distinct offense.

B. If said motor vehicle remains parked for the stated continuous period of 96 hours, the Yorktown Police Department may have such vehicle removed and impounded and charge the owner thereof for all costs of removal and storage, along with the applicable fines. If the vehicle so removed is not redeemed, or if the applicable fines and costs of removal are not paid within 30 days after the levy of the fines or after notice to the owner that the vehicle has been removed is received by the owner, whichever is sooner, the Town may undertake to sell the vehicle at public auction.

C. The last registered owner shall be deemed to have placed such a motor vehicle in the place where it is found, and, in addition to the penalties set forth under § 275-36, shall be responsible for the costs of removal and storage of such vehicle.

D. This Part 2 shall be enforced by the Yorktown Police Department.

§ 275-31. Creation of noise or disturbance prohibited; hours of operation; fleeing.

It shall be unlawful to operate any motorized vehicle in a manner so as to create loud, unnecessary or unusual noise which disturbs or interferes with the peace and quiet of other persons. It shall be unlawful to operate any all-terrain vehicles or off-highway motorcycles between the hours of 8:00 p.m. and 10:00 a.m.

It shall also be unlawful to: flee from any employee of the Town of Yorktown or a law enforcement agency while operating an all-terrain vehicle or off-highway motorcycle; and to operate an all-terrain vehicle or off-highway motorcycle in violation of any statutes, rules, or regulations promulgated by the Department of Motor Vehicles.

§ 275-32. Careless, reckless or negligent operation prohibited.

It shall be unlawful to operate any all-terrain vehicle or off-highway motorcycle in a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any person.

§ 275-33. Exceptions.

It shall not be unlawful for any employee of the Town of Yorktown or police, emergency or other government personnel to operate all-terrain vehicles or off-highway motorcycles for the purpose of maintaining, repairing or doing any public work within the scope of their employment or duties.

§ 275-34. Responsibility of parent or guardian.

It shall be unlawful for the parent, guardian or any person having the care, custody and control of any child under the age of 18 years to knowingly permit such child to operate an all-terrain vehicle or off-highway motorcycle in violation of the terms of this Part 2.

§ 275-35. Notice of violation.

Whenever any child under the age of 18 years is alleged to have violated this Part 2, the parent, guardian or any person having the care, custody or control of the child may be notified by the Chief of Police or any person designated by the Chief of Police to give such notice. Such notification may be: (1) by registered mail, return receipt requested, (2) given personally verbally or in writing, or (3) in another manner with a sufficient guarantee of identity trustworthiness, in all cases to the parent, guardian or person having the care, custody or control of the child setting forth the date, time, place and manner of the alleged violation. In the event of an alleged second or subsequent violation of this Part 2, proof of a prior notification as herein provided shall constitute prima facie evidence that the parent, guardian or any person having the care, custody or control of the child did knowingly permit said child to operate a vehicle in violation of this Part 2.

§ 275-36. Penalties for offenses.

A violation of any provision of this Part 2 shall be punishable by a fine not to exceed \$500 for a first offense, and not to exceed \$1,000 for each subsequent offense. These fees shall be in addition to any costs of impounding as set forth in § 275-37 and/or the costs of any property damage resulting from a violation of any provision of this Part 2. In addition, any such violation shall constitute disorderly conduct and an operator violating same shall be a disorderly person.

§ 275-37. Impounding.

In addition to the penalties set forth in § 275-36, the Town of Yorktown Police Department may impound any vehicle used in violating this Part 2. The owner or duly designated agent of the owner of such vehicle may regain the same by payment of the costs necessarily and actually incurred by the removal of said vehicle; however, no impounded vehicle shall be released from impoundment during an active investigation unless the person requesting the release obtains a Court Order requiring the release of the vehicle. If the vehicle so removed is not redeemed, or if

the applicable costs of removal are not paid within 30 days after the levy of the fines or after notice to the owner that the vehicle has been removed is received by the owner, whichever is sooner, the Town may undertake to sell the vehicle at public auction.

Section I. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section II. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

Section III. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

(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 2024 of the ~~(County)(City)~~(Town)(Village) of Yorktown was duly passed by the Town Board on August 8, 2024, in accordance with the applicable (Name of Legislative Body) provisions of law.

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 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) (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 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.

Diana L. Quast

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

Date: August 12, 2024

(Seal)