

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 Florence

Local Law No. 4 of the year 2023

A local law regulating the use and operation of snowmobiles on public highways and public lands
(Insert Title)
in the Town of Florence

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

County City Town Village
(Select one:)

of Florence

as follows:

PURPOSE:

The purpose of this local law is to protect the public health, safety, and welfare by regulating the operation of snowmobiles on public highways and on public lands, which includes designated trails open to the public in the Town of Florence, so that all snowmobiles are operated in a manner which will be compatible with the use of such highways and public lands for vehicular and pedestrian travel and other uses, and which will promote the safe and proper use of snowmobiles for recreation and commerce and minimize detrimental effects of such use on the environment.

ARTICLE 2. OPERATION GENERALLY PROHIBITED:

It shall be unlawful, except as provided in Article 5 of this law, for any person to drive or operate any snowmobile on, over, or across any public highway or public trail. Further, for purposes of this law, it is hereby determined that outside banks and shoulders of all public roadways and highways are non-existent by reason of the fact that they are impassable due to normally prevailing snow conditions and terrain in the Town of Florence.

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

ARTICLE 3. DEFINITIONS:

Section 3.1 "Highways" shall mean the entire width between the boundary or right-of-way 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 including all highways designated as seasonal limited use highways.

Section 3.2 "Operate" shall mean to ride in or on, other than as a passenger, or use or control the operation of a snowmobile in any manner, whether or not said snowmobile is under way.

Section 3.3 "Operator" shall mean every person who operates or is in actual physical control of a snowmobile.

Section 3.4 "Owner" shall mean any person having title to a snowmobile. If a snowmobile is sold under a contract of conditional sale whereby the title remains in the vendor, such vendor or his assignees shall not, after delivery of such snowmobile, be deemed an owner within the provisions of this section, but the vendee or his assignee, upon receipt of possession thereof, shall be deemed such owner notwithstanding the terms of such contract, until the vendor or his assignee shall retake possession. A person holding only a security interest in a snowmobile shall not be deemed an owner unless such person also has possession of such snowmobile.

Section 3.5 "Snowmobile" shall mean a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.

Section 3.6 "Snowmobile trail" shall mean a way designated as open to the public for snowmobiling.

Section 3.7 "Special Event" shall mean an organized rally, race, exhibition or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is maintained.

ARTICLE 4 OPERATION OF SNOWMOBILES GENERALLY:

Section 4.1 UNLAWFUL OPERATION

It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

- A. Imprudent speed:** At a rate of speed greater than reasonable or proper under the surrounding circumstances. **At no time shall the rate of speed exceed 55 mph.**
- B. Reckless operation:** In a careless, reckless or negligent manner so as to unreasonably endanger the person or property of another or to cause injury or damage thereof. For the purpose of this section, the operation of two or more snowmobiles abreast shall constitute reckless operation by all such operators.
- C. Intoxication and drugs:** While in an intoxicated condition or under the influence of narcotics or drugs as defined by Section 114-a of the Vehicle and Traffic Law.
- D. Lights:**
 - i. Between sunset and sunrise, or when lights are required for safety, without displaying at least one lighted head light and tail light.
 - ii. Operating other than as an emergency vehicle and displaying one or more lighted red or combination red and white lights which are revolving, rotating, flashing, oscillating, or constantly moving.

- E. Railroad tracks:** On the tracks or right of way of an operating railroad.
- F. Plantings:** In any tree nursery or planting in a manner which damages or destroy growing stock, or creates a substantial risk thereto.
- G. On the lands of another:** On private property without the consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another in violation of this section shall stop and identify himself upon the request of the landowner, his duly authorized representative or lessee, and , if requested to do so by said landowner, representative or lessee, shall promptly remove said snowmobile from the premises.
- H. Towing a sleigh, sled or toboggan:** Towing a sleigh, sled or toboggan by a snowmobile, unless attached by a rigid support, connection or tow bar.
- I. Passing Prohibited:** In any place at any time, the overtaking of a motor vehicle, snow plow, or similar snow removal equipment.
- J. Failure to stop and yield:** In any place at any time, failing to stop and yield to an authorized ambulance, fire department apparatus, civil defense or police snowmobile or police vehicle being operated as an emergency vehicle and approaching from any direction.
- K. Failure and refusal to comply:** In any place at any time, failing or refusing to comply with any lawful order or direction of any police officer or their person duly empowered to enforce all laws of the state relating to snowmobiles.

SECTION 4.2 SPEEDING PROHIBITED:

Snowmobiles operating in the Town shall **under no circumstances exceed any posted speed limit** when operating on any snowmobile trail or highway designated as open to snowmobiling in Section 5.1 (B) of this law. In addition, snowmobiles shall always be operated a speed which is reasonable and proper under existing circumstances as determined by any peace or police officer.

SECTION 4.3 OBEDIENCE TO VEHICULAR TRAFFIC CONTROLS:

Each person operating a snowmobile on any Town Highway shall observe 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 law enforcement officer or fire department personnel authorized to direct or regulate traffic.

SECTION 4.4 HOURS OF OPERATION:

No person shall operate a snowmobile within one hundred feet of a dwelling between twelve o'clock midnight and six o'clock A.M. at a speed greater than minimum required to maintain forward movement of the snowmobile.

ARTICLE 5 CONDITIONS OF OPERATION:

SECTION 5.1 PUBLIC HIGHWAYS AND PUBLIC LANDS:

Snowmobiles may be operated on the public highways and public lands in the Town of Florence only under the following conditions:

- A. Snowmobile Trails:** Snowmobiles may be operated on all snowmobile trails open to the public as so designated under the Parks and Recreation Law of the State of New York, or as designated by the Town Board from time to time in a manner consistent with provisions of this law and all other county or state laws relating to the operation of snowmobiles.
- B. Highway Crossings:** Snowmobiles may be operated so as to take a direct crossing of a highway at any time of the day, provided that the crossing is made at an angle approximately 90 degrees to the direction of the highway, at a place where no obstruction prevents a quick and safe crossing, the snowmobile is brought to a complete stop before crossing the main traveled way of the highway, and the driver yields the right-of-way to all oncoming traffic.
- C. Culverts and Bridges:** Snowmobiles may be operated on highways when necessary to cross a bridge or a culvert for a distance not to exceed 200 yards.
- D. Highways Open for Snowmobiling:** A snowmobile may be operated on those highways or sections of highways in the Town of Florence as designated by resolution of the Town Board. Such designations will be posted in the Town Clerk's office and published in the official paper of the Town. Such resolution shall be adopted prior to August 1st each year when necessary to open highways to snowmobiling or to change the status of highways previously opened to snowmobiling.

SECTION 5.2 EMERGENCIES:

Snowmobiles may be operated for the purpose of emergency travel only on all highways in the Town of Florence, during the period of time when and at locations where snow upon the highways renders travel by motor vehicles impractical as so declared and permitted by the chief executive officer of the Town of Florence, or when the specific travel for a specific purpose is authorized or directed by a police officer, Fire Chief or other duly recognized emergency personnel.

SECTION 5.3 SPECIAL EVENTS

Snowmobiles may be operated at special events in a manner consistent with this Local Law, or in a manner as defined in Parks, Recreation, and Historic Preservation Law and upon authorization by the New York State Commissioner of Parks, Recreation, and Historic Preservation.

ARTICLE 6 FINANCIAL RESPONSIBILITY:

SECTION 6.1 INSURANCE

No snowmobile shall be operated on a highway or public lands which includes snowmobile trails designated as open to the public in the Town of Florence 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 by the provision of Section 25.13 or the Parks, Recreation, and Historic Preservation Law of the State of New York and regulations promulgated thereunder.

SECTION 6.2 PROOF OF INSURANCE REQUIRED

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 the demand of a magistrate, police officer, or state policeman which such vehicle is being operated on any highway (Including trail designated as open to the public) in the Town of Florence 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.

SECTION 6.3 STATE LAW SUPERSEDED

This section specifically supersedes those provision of Section 25.13(1) of New York State Parks and Recreation Law by requiring liability insurance for operation on trails and outside banks.

ARTICLE 7 AGE OF OPERATOR:

- A. Youth ages 14 through 17 years old may operate a snowmobile without adult or other supervision if they have completed a snowmobile safety training course recognized by the State of New York.
- B. Youth ages 10 through 13 may operate a snowmobile, on lands upon which snowmobiling is allowed, if they have completed a snowmobile safety training course recognized by the State of New York and are accompanied by (within 500 feet of) a person who is at least 18 years of age.
- C. Youths who do not hold this certificate are subject to the same restrictions as children under the age of 14 years. Children under 10 years old or under age 14 without a safety certificate may operate a snowmobile only on lands owned or leased by their parent or guardian.
- D. A non-resident operator who is a resident of another state or country and is the holder of a valid snowmobile safety certificate issued by that state or country shall be considered the same as the holder of a New York State Safety Certificate.

ARTICLE 8 VIOLATION:

SECTION 8.1 FINE

In addition to any penalty contained in any other provisions of law, any person who shall violate any provisions of this local law shall be guilty of a violation and shall be punished by a fine of not more than Two Hundred and Fifty dollars (\$250.00) and or fifteen days in jail.

SECTION 8.2 NOTICE OF VIOLATION

A notice of violation may be issued by any State Police Officer, County Sheriff, Environmental Conservation Officer, Forest Ranger, Parks and Recreation Officer, or by any other Law Enforcement Official. Such authorized individual may initiate a violation by service of an appearance-ticket.

ARTICLE 9 SEVERABILITY:

If any clause, sentence, paragraph, section, 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, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE 10 LIABILITY FOR NEGLIGENCE:

Negligence in the use or operation of a snowmobile shall be attributable to the owner. Every owner of a snowmobile used or operated in the Town of Florence shall be liable and responsible for death or injury to a person or damage to property resulting from negligence in the use or operation of such snowmobile by any person using or operating the same with the permission, express or implied, of such owner, provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

ARTICLE 11 PRIOR NOTICE:

SECTION 11.1 CIVIL ACTION AGAINST TOWN

With respect to injuries arising from the operation of snowmobiles, no civil action shall be maintained against the Town of Florence or any officer thereof in charge of Highway Supervision and Maintenance for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous, or obstructed, unless prior written notice of such defective, unsafe, dangerous, or obstructed condition on such highway, bridge, or culvert was actually given to the municipal agent, officer, or employee authorized by Section 311 of the Civil Practice Law and Rules to receive service or to the chief municipal office in charge of highway supervision and maintenance, and there was a failure or neglect within a reasonable time thereafter to repair or remove the defect, danger, or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely due to conditions caused by snow and/or ice removal, or the non-removal thereof, from highways designated as open to snowmobiles in the Town of Florence.

SECTION 11.2 DESIGNEE FOR SERVICE OF PROCESS

The municipal officer in charge of highway supervision and maintenance and any other municipal agent, officer, or employee designated to receive service of process shall transmit in writing to the clerk of the municipal body involved within twenty-four (24) hours or as soon as practical after the receipt thereof, all written notices received by him pursuant to this section.

SECTION 11.3 CLARIFICATION WITH GML 71-b

This section is included to clarify the application of section 71 - b General Municipal Law in the Town of Florence.

List of roads, crossings, highways and trails are on file in the Florence Town Clerk's office located at the Florence Town Hall for public inspection during normal office hours. This listing is also on file with the T.C. Riders Snowmobile Club, Camden, New York, 13316

ARTICLE 13 EFFECTIVE DATE:

This Local Law shall take effect immediately upon its filing in accordance with the provision of Section 27 of the Municipal Home Rule Law 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. 4 of 2023 of the (County)(City)(Town)(Village) of Florence was duly passed by the Town Board on November 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Repassage 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 _____ 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 (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) (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) (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 _____

* 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 the City of _____ having been submitted to referendum pursuant to the provisions _____ (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____ by _____ cooperative.

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 _____ cooperative.

(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 _____ above.

Joanne Salmon

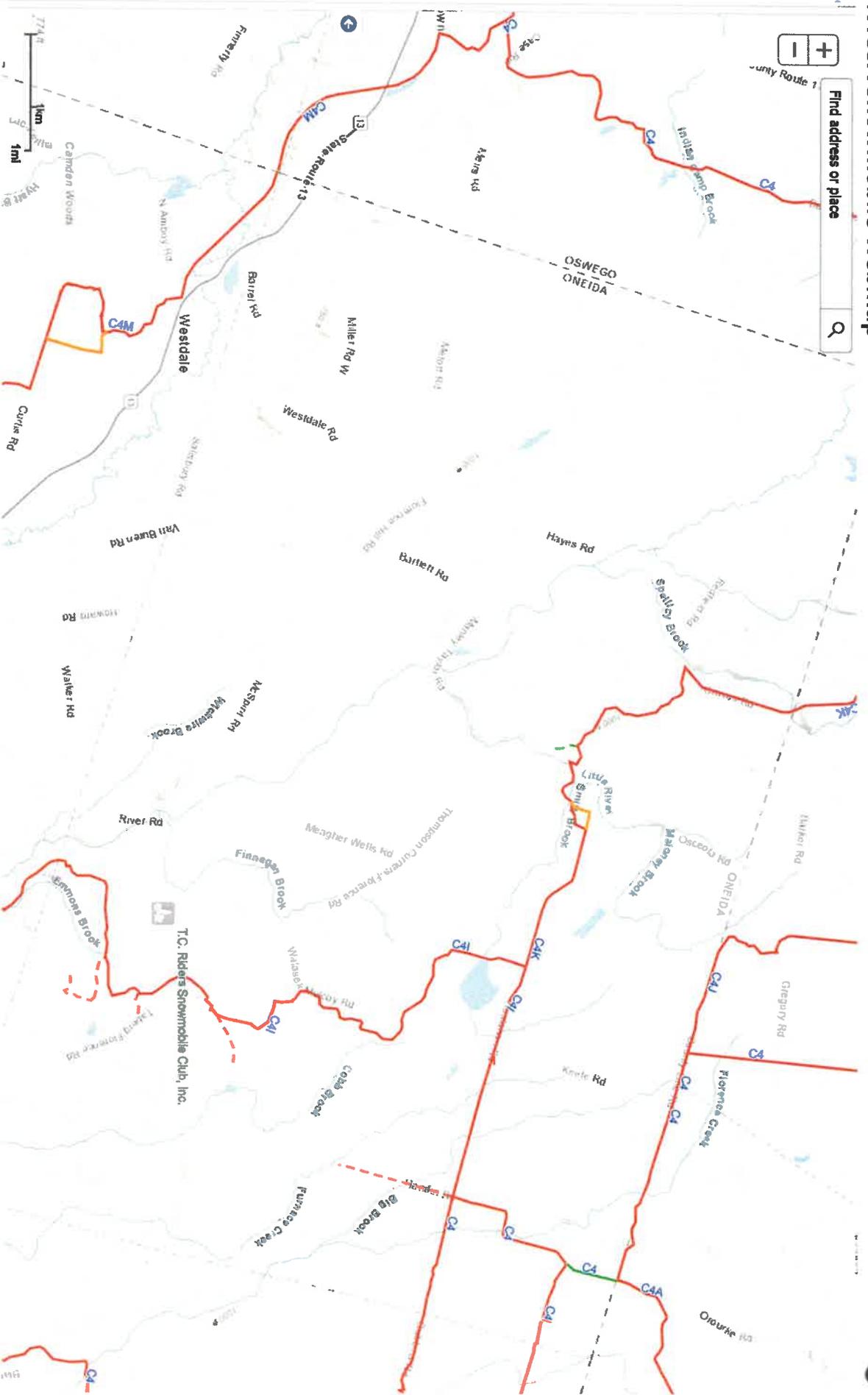
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 10, 2023

(Seal)



NYSSA Snowmobile Webmap



NYSSA Snowmobile Webmap

