

TOWN OF FORESTPORT SNOWMOBILE REGULATIONS

SECTION 1: LEGISLATIVE INTENT

The Town Board reserves the right to establish a trail permit at a later date.

SECTION 2: DEFINITIONS

For the purpose of this article, the terms defined herein shall have the meaning ascribed to them.

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.

OPERATE – means to ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner, whether or not said snowmobile is in motion.

OPERATOR – means every person who operates or is in actual physical control of a snowmobile.

SECTION 3: FINANCIAL RESPONSIBILITY

No snowmobile shall be operated on a snowmobile trail, street or highway in the Town of Forestport 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 8 of the Vehicle and Traffic Law of the State of New York and regulations promulgated thereunder.

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, while such vehicle is being operated on any street or highway in the Town of Forestport 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 4: ACCESS AREAS

The following streets and highways in the Town of Forestport are hereby declared to be access areas for the purpose of this local law, as well as Section-8303 C (3).
Conservation Law:

Moose River Road – section of road in Town of Forestport
Lakeview/Norton Roads
Woods Road
Stone Quarry Road
Roads behind White Lake Inn – Maple, Hemlock, Daywood, Alder, Willow, Pine
Chestnut, Poplar, Birch, Spruce, Tamarack and Elmwood
Buck Lake Road
Round Lake Road
Long Lake Road
Bear Creek Road – Railroad tracks to end
Rogers Road
Lone Pine Drive
Horton/Kincaid Road
Dade's Thruway
Scamott Road
Irish Settlement Road
River Road and Street
Dutch Hill Road
Pond Avenue
Alder Creek Road
Meekerville Road – Railroad tracks easterly to North Lake Road
Spring Avenue

SECTION 5: UNCONGESTED HIGHWAYS

All streets, roads and highways in the Town of Forestport, excepting, however, all New York State Highways located in the Town of Forestport, and hereinbefore referred to in Section 4 of this local law, are hereby declared to be uncongested highways for the purpose of this local law as well as Section 8-0303 C (3), Conservation Law.

SECTION 6: OPERATION OF SNOWMOBILE

- A. It shall be unlawful to operate a snowmobile on the snowmobile trails, public streets and highways in the Town of Forestport, except as provided below:
1. On the shoulder of uncongested highways that have been designated as such pursuant to Section 5 of this Local Law.

2. Emergencies – In an emergency, as so declared by the appropriate chief executive officer as defined in Clause b of subdivision 1 of Section 209-M of the General Municipal Law, and for the purpose of emergency travel only, on any public street or highway, during the period of time when and at locations where snow upon the roadway renders travel by automobile impracticable.
 3. Unplowed Highways – On Town streets or highways during the periods when and at location where such highway is customarily unplowed and unused during the winter months for automobile travel.
 4. Crossing Public Streets and Highways – Town of Forestport snowmobiles may make a direct crossing of the public streets and highways of the Town of Forestport provided:
 - A. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - B. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway, or any road or highway where there is a stop sign.
 - C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
 - D. If the crossing is made between the hours of sunset and sunrise or in conditions of reduced visibility, only if both front and rear lights are on.
 - E. Where the outside bank of a street or highway is impassable – including and in addition to the operations permitted under this Local Law, snowmobiles may be operated on the shoulder and inside bank or slope of any street or highway within the Town of Forestport at these locations where the outside bank of such street or highway is impassable, where the inside bank, slope and shoulder is impassable snowmobiles may be operated on the roadway, provided, however, that any permission to operate a snowmobile under this paragraph is to extend only from the point on a street or highway where this outside bank becomes impassable to the nearest exit point from such street or highway where the outside bank is passable.
 - F. When necessary to cross a bridge or culvert.
- B. It shall be unlawful to operate a snowmobile on the public streets and highways in the Town of Forestport at a speed in excess of twenty (20) miles per hour.

SECTION 7: OPERATION OF THE SIDEWALKS IN THE TOWN OF FORESTPORT

It shall be unlawful for any person to operate a snowmobile on the sidewalks in the Town of Forestport.

SECTION 8: VIOLATION:

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

SECTION 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.

SECTION 10:

The following roads are open by Town Resolution since October 9, 1991 for snowmobiles contingent upon posting and proper insurance:

Moose River Road – section of road in Town of Forestport
Lakeview/Norton Road
Woods Road
Stone Quarry Road
Roads behind White Lake Inn – Maple, Hemlock, Daywood, Alder, Willow,
Pine, Chestnut, Poplar, Birch, Spruce, Tamarack and Elmwood
Buck Lake Road
Round Lake Road
Long Lake Road
Bear Creek Road – Railroad tracks to end
Rogers Road
Lone Pine Drive
Horton/Kincaid Roads
Dade's Thruway
Scamott Road
Irish Settlement Road
River Road and Street
Dutch Hill Road

Pond Avenue
Alder Creek Road
Meekerville Road – Railroad tracks easterly to North Lake Road
Spring Avenue

SECTION 11:

A sticker will be provided upon the payment of the fee provided for in Section 10 of this Local Law for each snowmobile, which sticker shall be displayed on the left side of the snowmobile windshield.

SECTION 12:

No service and/or admission charge will be imposed upon the following snowmobiles:

- A. Snowmobiles owned by government agencies including the United States and other states of political subdivision thereof.
- B. Snowmobiles owned by volunteer organizations if used exclusively for emergency purposes.

SECTION 13: OPERATION OF SNOWMOBILES: GENERAL

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

- A. In a careless, reckless or negligent manner so as to endanger the person or property of another.
- B. On private property, without the consent of the owner or lessee thereof.

Any person operating a snowmobile upon lands of another is in violation of this section shall stop and identify himself upon request of the landowner, the lessee, or the duly authorized representative of the landowner or the lessee. If requested to do so by said landowner or lessee or representative, he shall promptly remove said snowmobile from the premises.

SECTION 14: HELMETS

No person shall operate a snowmobile or ride as a passenger on a snowmobile, on the snowmobile trails, public lands, public streets or public highways in the Town of Forestport unless such person is wearing a protective helmet of a type manufactured under Federal DOT standard 218 or receiving SNELL approval.

SECTION 15: EQUIPMENT

- A. All snowmobiles operating on the snowmobile trails, public lands, public streets and highways in the Town of Forestport shall be equipped with:
1. Head lights. At least one (1) white or amber head lamp having a minimum candle power of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during the hours of darkness under normal atmospheric conditions.
 2. Tail lights. At least one (1) red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.
 3. Brakes. A brake system in good mechanical condition.
 4. Mufflers. An adequate muffler system in good working condition. No snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission to a level greater than that emitted by the snowmobile as originally constructed. No person shall operate a snowmobile that exceeds a noise level of seventy-three decibels as measured on the A-weighted scale on a decibel meter at a distance of fifty (50) feet.

SECTION 16: OPERATING A SNOWMOBILE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

- A. No person shall operate a snowmobile on public snowmobile trails, public lands, public streets or highways in the Town of Forestport:
1. While such person is in an intoxicated condition.
 2. While such person has 10 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's blood, breathe, urine or saliva made pursuant to the provisions of subdivision C of this Section.

3. While such person's ability to operate such vehicle is impaired by the use of a drug as defined by the New York State Vehicle and Traffic Law.
- B. Any person operating a snowmobile on public snowmobile trails, public lands, public streets or highways in the Town of Forestport in violation of any of the provisions of this Section, or who has been involved in an accident while operating a snowmobile on public snowmobile trails, public lands, public streets or highways in the Town of Forestport shall, at the request of a police officer, submit to a breath test to be administered by the police officer. If such test indicates that such operator has consumed alcohol, the police officer may require such operator to submit to a chemical test in the manner set forth in Subdivision C of this Section.
 - C. Any person who operates a snowmobile on public snowmobile trails, public lands, public streets or highways in the Town of Forestport shall be deemed to have given such person's consent to a chemical test of such person's breath, blood, urine or saliva for the purpose of determining the alcoholic or drug content of such person's blood, provided that such test is administered at the direction of a police officer having jurisdiction in the Town of Forestport:
 1. Having reasonable grounds to believe such person to have been operating a snowmobile in violation of Subdivision A of this Section and within two (2) hours after such person has been placed under arrest for any such violation, or
 2. Within two (2) hours after a breath test, as provided in Subdivision B of this Section, indicates that alcohol has been consumed by such person.
 - D. A violation of Paragraphs 1, 2 or 3 of Subdivision A shall be a misdemeanor and shall be punishable by imprisonment in a penitentiary or county jail for not more than one (1) year, or by fine of not more than five hundred dollars (\$500.00), or by both such fine and imprisonment.
 - E. A police officer having jurisdiction in the Town of Forestport may, without a warrant, arrest a person in case of a violation of Subdivision A of this Section if such violation is coupled with an accident or collision in which such person is involved, if the police officer has reasonable cause to believe that the violation was committed by such person and that such person was involved in an accident or collision.
 - F. Upon making an arrest for violation of Subdivision A, a police officer may remove or arrange for the removal of the snowmobile to a garage or other

place of safety where it shall remain impounded and shall be in the custody of the local authority and shall not be released unless:

1. Payment has been made for the reasonable cost of removal and storage of the snowmobile; and
2. Satisfactory evidence that the action founded upon the charge has been terminated and that any fine imposed as a result of conviction thereon has been paid.

SECTION 17:

This Local Law shall take effect immediately upon its adoption.

DATED: Town of Forestport
February 14, 2001

Town Clerk
Town of Forestport