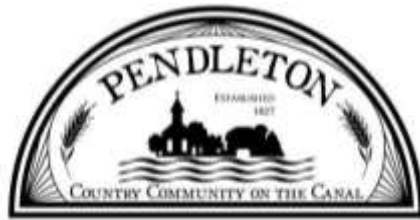


TOWN OF PENDLETON
6570 Campbell Boulevard
Lockport, NY 14094



*Supervisor Joel Maerten
Councilman Jason Evchich
Councilman David Fischer
Councilman Justin Graham
Councilman David Leible*

At the regular meeting of the Town Board of the Town of Pendleton, Niagara County, New York, held in the Board Room at the Town of Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, New York, 14094 at 7:00 p.m. on April 12, 2021.

WHEREAS, the Town of Pendleton owns and maintains properties located in multiple locations of the Town, and

WHEREAS, the Town of Pendleton owns and maintains a multiple use trail that traverses the Town from Townline Road to Lockport Road, crossing Killian Road, Meyer Road, Campbell Boulevard, Feigle Road, and Mapleton Road (the “Linear Multiple Use Trail”), and

WHEREAS, historically this Linear Multiple Use Trail has been open to use for activities that include, but are not limited to, walking, bicycling, horseback riding, and operation of all-terrain vehicles (ATV) and snowmobiles, and

WHEREAS, increased use of the Town’s Linear Multiple Use Trail has created increased safety concerns, and

WHEREAS, to address such concerns the Town Board has solicited community feedback and review of the Town Code by the Planning Board, and

WHEREAS, it has been determined that the increased activity of motorized vehicles on the Town-owned and maintained Linear Multiple Use Trail is of foremost importance to be addressed,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of April 2021 upon completion of a public hearing which was scheduled, published, and held on this date at 6:55 PM for the following amendment of the Town Code and the adoption of this Ordinance to be included in such Code concerning the operation of an “all-terrain vehicle” or “ATV” as more fully set forth in

the provisions of New York Vehicle and Traffic Law § 2286 on any and all properties owned by the Town of Pendleton:

- 1) Pursuant to N.Y. Veh. & Traf. Law § 2403 (2) Nonresidents of the Town of Pendleton are **prohibited** from use of an “all-terrain vehicle” or “ATV” (i.e. any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or one thousand pounds dry weight) on any and all Town of Pendleton properties. This definition shall not include and/or prohibit Nonresidents of the Town of Pendleton from the use of a “snowmobile” or other self-propelled vehicle manufactured for off-highway use exclusively 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 which utilize an endless belt tread on any and all Town of Pendleton properties.

- 2) Except as hereinafter provided, no resident of the Town of Pendleton shall operate an “all-terrain vehicle” or “ATV” on **any** of the Town of Pendleton owned properties unless the following requirements have been satisfied and are in all respects current and in full force and effect:
 - a) In accordance with N.Y. Veh. & Traf. Law § 2282 (1) “all-terrain vehicle” or “ATV” must have a current registration and number and the registration number for such ATV must be in full force and effect and displayed as provided under such article and regulations promulgated thereunder.
 - b) In accordance with N.Y. Veh. & Traf. Law § 2286. “Licensing by municipalities” such “all-terrain vehicle” or “ATV” must obtain a permit from the Clerk of the Town of Pendleton and pay an annual use fee of zero and 00/100 dollars (\$0.00) at the time of the issuance of the Town of Pendleton permit.
 - c) Proof of insurance of such “all-terrain vehicle” or “ATV” must be provided to the Clerk of the Town of Pendleton at the time of the issuance of such permit by the Clerk of the Town of Pendleton (the amount of the required insurance coverages shall be established annually by the Town of Pendleton).

- d) In accordance with N.Y. Veh. & Traf. Law § 2411 “Negligence in the use of operation of an ATV shall be attributable to the owner. Every owner of an ATV used or operated in this state shall be liable and responsible for death or injury to person or damage to property resulting from negligence in the use or operation of such ATV 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.”
- e) A waiver and release of liability of the Town of Pendleton together with an agreement to indemnify the Town of Pendleton from any and all liability shall be signed and filed with the Clerk of the Town of Pendleton at the time of such annual permit.
- f) The use by residents of an “all-terrain vehicle” or “ATV” shall be in all respect limited to the non-paved portions of the “Linear Multiple Use Trail”, and any additional areas that are designated for Vehicular Traffic and Vehicular Parking.

- 3) Any violation of this ordinance shall be punishable by a minimum fine of not less than \$100.00 and a maximum fine not to exceed \$500.00.
- 4) This Ordinance shall take effect immediately.

The above resolution was offered by _____, who moved for its adoption, and seconded by _____.

The following vote was taken and recorded as:

Aye	Nay
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Supervisor Joel Maerten
 Councilman Jason Evchich
 Councilman David Fischer
 Councilman Justin Graham
 Councilman David Leible