

TOWN OF PENDLETON  
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TOWN OF PENDLETON  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Pendleton, Niagara County, New York, has scheduled a public hearing for the 12<sup>th</sup> day of April 2021 at 6:55 p.m., at the Pendleton Town Hall, 6570 Campbell Boulevard, Pendleton, New York, 14094. The purpose of the hearing is to receive public input for the proposed amendment of the Town Code and the adoption of an ordinance to be included in such Code concerning the operation of limited use vehicles 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 New York Vehicle and Traffic 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 New York Vehicle and Traffic 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 New York Vehicle and Traffic 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 New York Vehicle and Traffic 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 “all-terrain vehicles” or “ATVs” 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.

All interested parties will be heard.

This public hearing is subject to the ability to hold an open meeting on the specified date and potential changes to the above stated resolution. All appropriate health and safety guidelines will be followed. All in attendance should expect to wear a mask and social distance. Please check [www.pendletonny.us](http://www.pendletonny.us) for updates.

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Deborah K. Maurer, Town Clerk

Dated: March 23, 2021

Publish: March 30, 2021