

PROPOSED

TOWN OF PENDLETON LOCAL LAW NO. __ OF THE YEAR 2024

A LOCAL LAW ENTITLED:
“A LOCAL LAW TO AMEND
TOWN CODE SECTION 191-6, 191-7 and 191-8”

WHEREAS, The Town of Pendleton hereby proposes a Local Law, pursuant to the New York Municipal Home Rule Law, the New York State Town Law, to repeal and amend the Pendleton Town Code, Sections 191-6, 191-7 and 191-8 relative to the use of “All-terrain vehicles”, “ATV” (i.e. any self-propelled vehicles which are manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways), motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton in the Town of Pendleton; and

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 traverse the Town from Townline Road to Lockport Road, crossing Killian Road, Meyer Road, Campbell Boulevard, Feigle Road, and Mapleton Road (the “Limited Multiple Use Trail”), and

WHEREAS, historically this Limited 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 Limited Multiple Use Trail has led to increased safety concerns, and

WHEREAS, in response to such safety concerns, on April 26, 2021, the Town Board of the Town of Pendleton adopted a Local Law which restricted the use of All-Terrain Vehicles on the public lands, owned by the Town of Pendleton; such provisions were adopted by the Town Board in the 2023 revisions to the Pendleton Town Code at Article III. All-Terrain Vehicles, Sections 191-6 through section 191-8.

WHEREAS, despite such 2021 restrictions on the use of All-Terrain vehicles on the public lands in the Town of Pendleton, the safety concerns have increased in scope and magnitude, and as a result thereof, it has been determined by the Town Board of the Town of Pendleton that the increased activity of motorized vehicles on the Town-owned and maintained Limited Multiple Use Trail is of foremost importance to be addressed, and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13th day of May 2024, hereby schedules a Public Hearing for the 10th day of June, 2024 at 6:55 pm for the repeal of Sections 191-6 of the Town Code, the amendment of Sections 191-7 and 191-8 of the Town Code, and the adoption of this Ordinance to be included in such Code concerning the operation of “All-terrain vehicle” or “ATV” as more fully set forth in the provisions of New

York Vehicle and Traffic Law § 2286, motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton or on any and all properties owned by the Town of Pendleton,

AND BE IT FURTHER RESOLVED, that such Public Hearing shall include, but not be limited to, the repeal of Section 191-6 of the Town Code of the Town of Pendleton in all respects, and the adoption of the following provision to replace the Section 191-6 which has been repealed; Section 191-6 of the Town Code of the Town of Pendleton shall hereinafter provide as follows:

Section 191-6 Use of All terrain vehicles, or any other motorized vehicles on Town Property.

Pursuant to N.Y. Veh. & Traf. Law § 2403 (2) the operation of “All-terrain vehicle”, “ATV” (i.e. any self-propelled vehicles which are manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways), motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton are **prohibited** on any and all Town of Pendleton properties [except for those entrances and parking areas which have been specifically created for use by licensed motor vehicles]. This prohibition shall not include and/or prohibit 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 during those periods when the snowmobile trails in the Town of Pendleton are designated as “open,” such use shall not commence prior to the end date of the big game hunting season preceding the opening of the trails.

AND BE IT FURTHER RESOLVED, that Section 191-7 of the Town Code of the Town of Pendleton shall further be amended to include a sub-section [b], Section 191-7 of the Pendleton Town Code shall hereinafter provide as follows:

Section 191-7 Penalties for Offenses

- A. The initial 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.
- B. Any and all subsequent violations of this ordinance shall be punished by a fine of not less than \$1000.00.

AND BE IT FURTHER RESOLVED that Section 191-8 of the Town Code of the Town of Pendleton is hereby amended and hereinafter provide as follows:

Section 191-8

This Ordinance as revised at section 191-6 and amended at Section 191-7 shall take effect immediately upon its filing with the Secretary of State.

