

**INTRODUCTORY LOCAL LAW NO. 4 OF 2023
VILLAGE OF MONTGOMERY**

**A LOCAL LAW INSTITUTING REGULATIONS FOR THE OPERATION OF ALL-
TERRAIN VEHICLES WITHIN THE VILLAGE OF MONTGOMERY**

BE IT ENACTED by the Village Board of Trustees of the Village of Montgomery, Orange County, New York, as follows:

SECTION I. DECLARATION OF POLICY.

The Board of Trustees of the Village of Montgomery hereby finds that the increased use of All-Terrain Vehicles (“ATV's”) throughout the Village of Montgomery without any regard for the rights of the property owners whose property is used for the operation of those ATV's without permission, or without regard for the health, safety, and welfare of persons utilizing the public roads upon which ATV's are used, and without regard for the noise emanating from said ATV's, and the dirt and dust raised up into the air by the operation of these ATV's, and the young age of the operators, has increased to such a degree that these ATV's are not only hazardous and detrimental to the health, safety and welfare of the residents of the Village of Montgomery as well as its property owners, but also to those who operate them with no regard for their own safety or the safety of others and that regulation of the use of ATV's within the Village will protect residents and property owners within the Village and protect those that use ATV's within the Village. This chapter is intended to serve the foregoing purposes by regulating and prohibiting the use of ATV's in the Village of Montgomery except in conformity with the provisions of this chapter and rules and regulations promulgated hereunder.

SECTION II. DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE or ATV: Any self-propelled vehicle manufactured for operation primarily on off-highway trails or in off-highway competitions and which is only incidentally operated on public highways, provided that such vehicle does not exceed 60 inches in width or 800 pounds dry weight. Such definition includes, but is not limited to, vehicles commonly referred to as dirt bikes, minibikes, go-carts, dune buggies, trail bikes, snowmobiles, and mopeds.

MOTORIZED BICYCLE: Any bicycle with an attached motor, engine and/or transmission which is gas powered and has foot pedals that can assist with propelling the bicycle.

PRIVATE PROPERTY: All land and buildings in the Village of Montgomery not included in the definition of "public property" nor part of the public road system.

PUBLIC PROPERTY: Lands and buildings, including Village parks owned or leased by the Village of Montgomery, any school district, the County of Orange or the State of New York or

any other equivalent public body. This definition specifically excludes any public roadways owned or maintained by any of the aforementioned public entities.

SECTION III. PROHIBITED ACTS.

It shall be unlawful to operate an ATV in the following locations and/or manner:

A. Upon public property at any time without express consent or a permit issued by the governmental agency in control of said property, which shall include easements granted to the Village including the same or similar restrictions.

B. Upon private property (other than that private property owned by the family of the operator) without the written consent of all of the owners of the private property.

C. Without a registration and/or permit as required under Article 48-B of the Vehicle and Traffic Law of the State of New York or other applicable provisions of the NYS Vehicle and Traffic Law, or in violation of any other rules, regulations, or provisions mandated by the NYS Vehicle and Traffic Law or the Department of Motor Vehicles of the State of New York.

D. In a manner that is disturbing and bothersome to adjoining property owners.

E. In a manner which causes or otherwise results in the propulsion of sand, dirt, dust, rocks, gravel or other similar materials beyond a property line.

F. Upon public or private property in such a way as to harass, worry or disturb farm animals, domestic livestock or wildlife or further to destroy or damage crops or farm produce.

G. Without an operable muffler or other similar device to reduce the sound emitted from the vehicle or at a noise level of 75 decibels at a property or street line.

H. On or near any public roadway so as to cause operators of other motor vehicles to take evasive or irregular action to distance said motor vehicle(s) from an ATV.

I. Which is not in proper operating condition, which means that all of the original operating equipment specified by the original manufacturer or replacement equipment equal to the specifications of the original manufacturer's equipment must be present.

J. Upon any private street or right-of-way within the Village of Montgomery without the written permission of the owner of the private street or right-of-way.

K. While under the influence of liquor or drugs.

L. Upon any private property, public property, or public street between the hours of 9:00 p.m. and 7:00 a.m.

SECTION IV. PENALTIES FOR OFFENSES.

A. For any violation of the terms of § 3, Prohibited acts, the offender shall be liable for a penalty not to exceed \$250 for a first offense and \$500 for a second offense and any subsequent offense within a twelve-month period measured from the date of the first alleged violation of this chapter.

SECTION V. ENFORCEMENT.

This Chapter may be enforced by the Village of Montgomery Building Inspector, the Village of Montgomery Code Enforcement Officer, any other official so designated by the Village Board of Trustees by resolution, the New York State Police, and any other law enforcement agency having jurisdiction within the borders of the Village of Montgomery. All foregoing designated persons are authorized to issue violation notices and appearance tickets.

SECTION VI. EXCLUSIONS.

This chapter shall not apply to the operation of ATV's on premises owned by the operator in the course of his business or by employees of the owner on the business of the owner or to the operation of ATV's under circumstances regulated by any agency of the State of New York.

SECTION VII. AUTHORITY.

This chapter is enacted pursuant to the Municipal Home Rule Law. This chapter shall supersede the provisions of the Montgomery Village Code and any other local law, ordinance or resolution to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any other applicable statute.

SECTION VIII. EFFECTIVE DATE.

This local law shall take effect upon posting and filing with the Secretary of State of New York.