

Chapter 201

VEHICLES, OFF-ROAD

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 8-12-1996 as part of L.L. No. 5-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 177.
Vehicles and traffic -- See Ch. 200.

§ 201-1. Purpose.

The Board of Trustees of the Village of Alden recognize the potential adverse impact on the health, safety and general welfare of the residents of the Village of Alden and to property within the village by the unpermitted use of off-road motorized vehicles on both private property and village property and, therefore, deems it appropriate to control the use of said vehicle.

§ 201-2. Definitions.

For the purpose of the chapter, the following terms shall have the meanings indicated:

OFF-ROAD MOTORIZED VEHICLE -- Any type of motorized or motor driven vehicle or conveyance, including but not limited to snowmobiles, two-wheeled motor vehicles known as "trail bikes" and "motor scooters," three-wheeled motor vehicles known as "all-terrain cycles" and four-or-more-wheeled motor vehicles commonly known as "go carts" or "all-terrain vehicles," excluding motor vehicles

as defined in §§ 126 or 130 or the Vehicle and Traffic Law of the State of New York which are registered in accordance with Articles 14 and 15 of the Vehicle and Traffic Law of the State of New York, and farm tractors and equipment.

PUBLIC PROPERTY -- All streets, sidewalks, easements or any other areas dedicated or commonly used by the public within, and all real property owned by the Village of Alden.

SNOWMOBILES -- Any self propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported whole or in part by one (1) or more skis, belts or cleats.

§ 201-3. Operation on village property prohibited.

It shall be unlawful for any person to operate or drive, cause to be operated or driven or knowingly permit such operation or driving of any off-road motorized vehicle upon any public property within the Village of Alden.

§ 201-4. Operation on private property restricted.

The operation of any off-road motorized vehicle is prohibited upon all private real property within the village unless the operator of that off-road motor vehicle has with him, and upon demand of a law enforcement officer presents, the written permission of the owner or lessee of said private property to operate said motorized vehicle on said private property.

§ 201-5. Exceptions.

- A. Employees of the Village of Alden who shall operate off-road motorized vehicles within the scope of their employment shall be exempted from this chapter.
- B. This chapter shall not apply to police or fire emergency vehicles and/or motorized handicap vehicles such as motorized wheel chairs, etc.
- C. This chapter shall not apply to the operation of off-road motorized vehicles on real property owned by the operator of such vehicle or by the parent or legal guardian of such operator.
- D. In any prosecution for a violation of this chapter, it shall be a defense (a burden or proof which is on the defendant) that the operator of the off-road motorized

vehicle has the permission of the owner or lessee of the real property upon which the alleged violation occurred to operate an off-road motorized vehicle.

§ 201-6. Responsibilities of parent or guardian.

It shall be unlawful for a parent, guardian or other person having the care, custody and control of any child under the age of sixteen (16) years to knowingly permit such child to operate an off-road motorized vehicle in a manner that violates the terms of this chapter.

§ 201-7. Notice of violation to parent and guardian.

Whenever any child under the age of sixteen (16) years is alleged to have violated this chapter, his parent, guardian or any person having the care, custody and control of the child shall be notified by the law enforcement officer, code enforcement officer or any person designated by them to give such notice.

§ 201-8. Penalties for offenses.

Any operator or parent, as defined in § 201-7, who shall violate any provisions of this chapter shall, upon conviction thereof, be sentenced to a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment not exceeding fifteen (15) days, or both.

§ 201-9. Conflicts of state law.

Should any section or portion of this chapter be in conflict with the laws of the State of New York, including laws applicable to the operation, registration, ownership or control of motor vehicles, then in that instance, said laws of the State of New York shall prevail.