

CITY OF PORT JERVIS

Local Law #3 2020

Revised Chapter 505. Vehicles and Traffic

Article IX. Snowmobiles, All-Terrain Vehicles and Motorized Bicycles

[Originally Added 12-28-2009 by L.L. No. 11-2009]

§ 505-60. Purpose.

The Common Council of the City of Port Jervis recognizes the potential adverse impact caused by the misuse of all-terrain vehicles, motorized bicycles and snowmobiles; and, therefore, deems it appropriate to control their use in a manner compatible with the health, safety and general welfare of the residents of the City and to property within the City as set forth herein.

§ 505-61. Definitions.

For the purposes of this article, the following terms are defined as follows:

ACCOMPANY

To be within a reasonable distance of the person accompanied, as to be able to communicate by direct conversation (not phone or other communications device) and direct their actions.

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. Included within such definition are vehicles commonly referred to as dirt bikes, minibikes, go-carts, dune buggies, trail bikes and mopeds.

CITY

The City of Port Jervis, New York.

CITY PROPERTY

All land owned or leased by the City of Port Jervis, including City highways and roads, trails and parklands, and any private land over which the City of Port Jervis possesses an easement.

MOTORIZED BICYCLES

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.

SHOULDER

That portion of a highway immediately adjacent to the side of a roadway, customarily used for emergency travel or parking.

SNOWMOBILE

Any self-propelled vehicle 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.

§ 505-62. Registration; permit.

All all-terrain vehicles and motorized bicycles must be registered and permitted 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.

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§ 505-63. Operation on city property prohibited.

It shall be unlawful to operate an ATV, motorized bicycle or snowmobile upon any City property, as defined herein.

§ 505-64. Operation on streets/highways.

A. Snowmobiles, motorized bicycles and all-terrain vehicles shall not be operated on state, county or City streets/highways, including the shoulders thereof, in the City of Port Jervis.

B. Emergencies. When authorized or directed by the Mayor in a declared emergency, or emergency situation, a snowmobile, all-terrain vehicle or motorized bicycles may be operated on the affected portions of City, county or state roads/highway for the purpose of a special emergency.

C. Police and emergency personnel. The provisions of this chapter shall not apply to the operation of a snowmobile, motorized bicycle or ATV by a police officer, firefighter, or other such emergency personnel or government employee in the conduct of his or her official duties.

§ 505-65. Operation in City parks and other public lands, except where posted for such use.

The use and operation of snowmobiles, all-terrain vehicles and motorized bicycles are prohibited within any City park or playground and any public land within the City, except where posted for such use, or by resolution of the Common Council and then only in conformance with the terms and conditions stated for such use.

§ 505-66. Conditions and restrictions of use.

A. A person shall be allowed to operate a snowmobile, ATV or motorized bicycle for sport or recreational use only if such use is in excess of 1,000 feet from any dwelling and occurs between the hours of 11:00 a.m. and 5:00 p.m. Any other such operation for sport or recreational use except for the purposes of loading and unloading shall be prohibited.

B. It shall be unlawful for any person to operate, and any owner thereof to permit to be operated, a snowmobile, motorized bicycle or ATV on any street or public land or public place in the City where permitted, unless the owner or operator of such machine is insured against public liability and carries proof of such insurance. Such proof shall be promptly displayed by the owner/operator upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or damage to property as a result of the operation of such machine by said owner/operator. The failure to produce such proof shall be presumptive evidence of operating the machine without insurance against public liability.

C. The operator of an ATV, motorized bicycle or snowmobile shall wear a helmet upon his/her head and goggles or face shields upon his/her face, such as approved by the Department of Motor Vehicles of the State of New York.

D. No person shall operate an ATV, motorized bicycle or snowmobile on or in any open waters, streams, or wetlands.

E. No person shall operate an ATV, motorized bicycle or snowmobile in violation of regulations of the Department of Motor Vehicles of the State of New York. Should DMV require registration

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or licensing of such machine, then it shall be unlawful to operate said machine without proper licensing and registration.

F. The provisions of this article shall not apply to the operation of an ATV or motorized bicycle for work and/or business purposes on private property, including but not limited to snowplowing and landscaping. (Reference: Chapter 381, Noise.)

§ 505-67. Penalties for offenses.

- A. For any violation of the terms of this article, prohibited acts, and conditions of use, the offender shall be liable for a penalty not to exceed \$250.00 for a first offense and \$500.00 for a second offense and any subsequent offense within a twelve-month period measured from the date of the first alleged violation of this article.
- B. Aggravated offense. It shall be an aggravated offense of this article if the use of the vehicle results in damages to any property or persons. The person found to have committed an aggravating offense shall be subject to doubling of the fines set forth hereinabove.

§ 505-68. Impoundment; cause for removal; confiscation and redemption.

A. In addition to the penalties set forth in this article, a police officer or peace officer may immediately impound or cause to be removed the ATV, motorized bicycle or snowmobile if:

(1) The identity of the owner/operator of the ATV, motorized bicycle or snowmobile is unknown to the officer.

(2) The operator of the ATV, motorized bicycle or snowmobile is in violation of any provision of this article.

B. The period of impoundment for the ATV, motorized bicycle or snowmobile shall be for such period of time as is necessary for police purposes, which shall include the use of the machine for identification or evidence in any court action. Any ATV, motorized bicycle, or snowmobile released from impoundment shall only be done so with the approval of the Police Department in compliance with its procedures.

C. In the case of a second or subsequent violation by the same person, the court may order the confiscation of said ATV, motorized bicycle, or snowmobile in lieu of or in addition to any fine and/or imprisonment. Any ATV, motorized bicycle or snowmobile which is confiscated pursuant to this section will be sold at public auction according to the appropriate procedures and law affecting public auctions by a municipality.

§ 505-69. Compliance with state law.

Nothing herein shall prohibit or excuse the obligation of individuals to comply with the provisions of the Vehicle and Traffic Law of the State of New York regarding the vehicles and operation of same herein.