

OPERATION OF SNOWMOBILES

Town of Berkshire Local Law No. 1 of the year 1971

◆SECTION I - PURPOSE

The purpose of this Local Law is to protect the public health, welfare and safety by regulating the operation of snowmobiles within the Town of Berkshire in a manner which will promote their safe and proper use for recreation and commerce, minimize detrimental effects of such use on the environment and permit use of the highways and other lands of the town compatible with the use of vehicular and pedestrian travel and other uses.

◆SECTION II - DEFINITIONS

For the purpose of this Local Law, the following words, phrases and terms shall have the following meaning:

- a. **“Person” - includes an individual, partnership, corporation, municipal corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.**
- b. **“Municipality” or “Municipal Corporation” – includes a county, city, town, village, school district, fire district and a special or improvement district of county or town.**
- c. **“Snowmobile” – a self-propelled vehicle designed for travel on snow or ice steered by skis or runners, and supported in part by skis, belts or cleats.**
- d. **“Owner” – a person other than a lien holder, having the property in or title to a snowmobile.**
- e. **“Operate” – to ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner, whether or not said snowmobile is under way.**
- f. **“Operator” – every person 16 years of over, who operates or is in actual physical control of a snowmobile.**
- g. **“Public Way” – any highway, road, street, avenue, alley, public place or public driveway.**
- h. **“Roadway” – that portion of a highway improved, designed or originally used for vehicular travel.**
- i. **“Street” or “Highway” – the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.**
- j. **“Special Event” – an organized race, exhibition or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.**
- k. **“Town” – whenever the word “town” is used herein it shall mean the Town of Berkshire.**

◆SECTION III - OPERATION ON POSTED TOWN ROADS IN BOUNDARIES OF BERKSHIRE

- a. In addition to travel on the shoulders of the street, road or highway permitted by this Local Law and by Conservation Law Section 8-0303 – 2C (3) a snowmobile may be operated on the roadway or inside bank of roads, streets, and highways, it being hereby determined that roads, streets, and highways the slopes or areas outside the guardrails or on the back side of the snow embankment are non-existent or by prevailing snow condition of the terrain are impassable.
- b. Order of use of portion of Road. Operation of snowmobiles on town roads, where by statute or this local permitted, shall be on the follows portions thereof in order of freedom from vehicular congestion as herein stated, and operation on the portion thereof in the more congested or unsafe category is permitted only when travel on the lesser congested area is impassable:
 - Unplowed roads (Statue S 8-0303 2C (4) on any portion thereof;
 - Outside slopes, areas outside of guard-rails and the back side of snow embankments (Statue S 8-0303 2C (5);
 - Shoulders (Statue S 8-0303 2C (3) and local law S 3(B);
 - Inside Banks or Roadways Proper (Statute S 8-0303 (4) and local law S 3 (C);
 - On left side of road (limited to daytime) against vehicular traffic, for limited areas only when the right side is impassable and only when visibility permits a clear view of vehicular traffic.
- c. Emergency Travel. In addition to the declaration by the Supervisor or a snow emergency as provided by the Conservation Law Section 8-0303 2C (1), snowmobile traffic shall be permitted for other emergency purposes when the specific travel for a specific purpose is authorized by a state policemen, sheriff, constable or the Town Highway Superintendent.

◆ SECTION IV - CONDITIONS AND RESTRICTION ON SNOWMOBILE OPERATION

Whenever the operation of a snowmobile is permitted on the shoulders, roadways or inside bank of any road, street, or highway or portion thereof, as provided in Section 3, other than subdivision (a) of this Local Law, the following conditions and restrictions are hereby established to be applicable to all such snowmobile operations:

- a. “Financial Security”. It shall be unlawful for any person to operate a snowmobile on any road or highway within the town, unless the owner or operator of such snowmobile is insured against public liability and carries with him proof of financial responsibility, such as a certificate of liability insurance of the type, coverage and of the minimum amount as defined and required of owners and operators of motor vehicles by the Vehicle and Traffic Law of the State of New York. Such proof shall be displayed by the owner or operator of any snowmobile 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 snowmobile by any such owner or operator.
- b. “Obedience to Vehicular Traffic Controls”. Each person operating a snowmobile on any road of highway within the town shall observe strictly all vehicular traffic, and shall obey the orders and directions of any state of local police or other law enforcement officer authorized to direct or regulate traffic.

◆SECTION V - VIOLATIONS

Failure to comply with any provisions of this Local Law shall be deemed a violation and the violator shall be liable to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

◆SECTION VI - VALIDITY

If any section, sub-section, paragraph, clause, sentence or phrase of this Local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

◆SECTION VII - EFFECTIVE DATE

This Local Law shall effective upon adoption.