

## RESOLUTION 10-18-22 - #1

The Town Board of the Town of Lincklaen in the Town of Lincklaen, New York met in regular session at the Town offices in Lincklaen, New York on the 18<sup>th</sup> day of October 2022.

The following Resolution was moved, seconded, and passed:

WHEREAS, the Town of Lincklaen will open some town roads to ATV and UTV travel (posted on the Town Website)

Rules and Regulations.

- a. No UTV or ATV shall be operated on any Town Highways except in accordance with the provisions of the Vehicle and Traffic Law of the State of New York.
- b. No UTV or ATV shall be operated on any Town Highway unless it is properly licensed, registered and insured as required by the Vehicle and Traffic Law of the State of New York. If state law does not require registration, then proof of ownership must be furnished to the Town.
- c. No person shall operate a UTV or ATV on a Town Highway at a rate of speed more than 35 miles per hour (35mph)
- d. All operators of UTVs and ATVs shall proceed in single file when driving upon or crossing a Town Highway.
- e. Hours of operation. During weekdays, no person shall operate a UTV or ATV for recreational purposes within 200 feet of a dwelling between the hours of 10 pm and 5 am. During weekends, no person shall operate an UTV or ATV for recreational purposes within 200 feet of a dwelling between the hours of 11 pm and 5 am.
- f. Operation of UTV or ATVs on private property. No UTV or ATV shall be operated upon the property of another in the Town of Lincklaen without the written consent of the owner or lessee thereof. There shall be a rebuttal presumption the operator of a UTV or ATV off a public highway on private property in the Town of Lincklaen lacks the consent to operate the UTV or ATV if the operator cannot produce written consent from the property owner.
- g. Each person operating a UTV or ATV on any town highway or street or shall strictly observe all vehicular traffic signs and signals and all other rules and regulations applicable to vehicular traffic and shall obey all the orders and directions of any state or local law enforcement officer authorized to direct or regulate traffic.
- h. Position on the road. It shall be unlawful to operate a UTV or ATV on a public street or highway in the town in any manner other than single file and as near to the right-hand curb or shoulder as safely practicable and in the same direction as traffic.
- i. Any UTV or ATV operating on town highways or roads must comply with the equipment requirements set forth in Article 48-C of the VTL. In addition, all ATVs must have at least one (1) handlebar mirror. Said mirror shall be mounted on the left handlebar of the UTV/ATV. Lights must be always on when operating on a town highway or road.
- j. Any UTV or ATV owner wishing to operate an UTV or ATV on town highways or roads must provide proof of ownership, insurance, licensing and, registration (if required by state law). For a side-by-side, the owner must provide proof of ownership and a valid driver's license, since such vehicles are not capable of being registered in New York State. If New York State approves a law requiring registration of side-by-sides, then the owner must also provide proof of licensing, registration, and insurance. Proof of same shall be provided upon request to any law

enforcement officer or to any person who has suffered or claims to have suffered either personal injury or property damage because of the operation of use of such vehicle by any such owner or operator. The failure to produce such proof shall be presumptive evidence of operating the vehicle without insurance against public liability.

- k. It shall be unlawful for any person without a valid state driver's license to operate an UTV or ATV on designated town roads, unless if under the age of sixteen (16), accompanied by a parent or legal guardian. Anyone with a suspended driver's license may not operate a UTV or ATV on the designated road.
- l. No person shall operate a UTV or ATV on a designated road in such a manner as to create loud, unnecessary, or unusual noise so as not to unreasonably disturb or interfere with the peace and quiet of town residents.
- m. No person shall operate an UTV or ATV or ride as a passenger on an UTV or ATV unless the rider and passenger(s) are wearing a protective helmet of a type that is DOT approved.
- n. No person shall operate an UTV or ATV in a careless, reckless, or negligent manner to unreasonably endanger the person or property of another or cause injury or damage thereof.
- o. Any UTV or ATV operating on town highways or roads must securely install a reflective, orange, and red, triangle-shape Slow Moving Vehicle sign on the rear of the UTV or ATV in a manner that is unobscured, or the rider(s) must wear a bright-colored yellow, orange, or green safety vest.
- p. An UTV or ATV must not make unusual or excessive noise such that a reasonable person would find it offensive, or which exceeds 90 decibels measured using the SAE J1287 test. Aftermarket exhaust systems or components are prohibited unless they are designated to reduce emissions and dampen noise.
- q. The town roads will be closed to ATV and UTVs from January 1 through May 1 of every year

Motion was made by Harold Baritell, seconded by Barry Monro to approve the above resolution on October 18, 2022. All in favor. Motion carried