SECTION 1. PURPOSE. The purpose of this Local Law is to protect the public health, welfare, and safety by regulating the operation of snowmobiles on public highways and places of the Town of Watson in a manner which will be compatible with the use of such highways and places for vehicular and pedestrian travel and other uses, which will promote the proper and safe use and operation of snowmobiles for recreation and commerce, and which will minimize the detrimental effects of such use upon the environment.

SECTION 2. DEFINITIONS. As used in this Local Law, unless the context requires otherwise, the following definitions shall be applicable:

2.1. Snowmobile shall mean a 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.

2.2. Owner shall mean any person having title to a snowmobile. If a snowmobile is sold under a contract of conditional sale whereby the title remains in the vendor, such vendor or his assignee shall not, after delivery of such snowmobile, be deemed an owner within the provisions of this section, but the vendee or his assignee, upon receipt of possession thereof, shall be deemed such owner notwithstanding the terms of such contract, until the vendor or his assignee shall retake possession. A person holding only a security interest in a snowmobile shall not be deemed an owner unless such person also has possession of such snowmobile.

2.3. Operate shall mean to ride in or on, other than as a passenger, or use or control the operation of a snowmobile in any manner, whether or not said snowmobile is under way.

2.4. Operator shall mean every person who operates or is in actual physical control of a snowmobile.

2.5. Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.

2.6. Highway shall mean the entire width between the 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.

2.7. Shoulder shall mean that portion of a highway which lies outside the paved or unpaved roadway immediately adjacent to the portion of the roadway which may be used by motor vehicles.

2.8. Bank shall mean a mound, pile or ridge of snow on the edge of a highway accumulated from natural snowfall or by snow plowing operations.

2.9. Inside bank shall mean the portion of a snow bank immediately adjacent to the shoulder of the roadway.

2.10. Outside bank shall mean the portion of a snow bank outside the crest thereof and farthest removed from the roadway.

2.11. Town shall mean the Town of Watson in Lewis County, New York.

2.12. County shall mean the County of Lewis, New York.

2.13. State shall mean the State of New York.

2.14. Supervisor shall mean the Supervisor of the Town.

2.15. Commissioner shall mean the Commissioner of Parks, Recreation and Historic Preservation of the State.

SECTION 3. PERMITTED OPERATION.

3.1. Designated Town Highways. The following highways are set forth as "highways designated by governmental agencies" upon which snowmobiles may be operated on the shoulders and inside banks as permitted by Parks, Recreation, and Historic Preservation Law Section 25.05 (7) and 25.09:

Buck Point Road; Stillwater Road; Moshier Road; Stoney Lake Road between Evies Pond Snowmobile Trail and Hinching Pond Snowmobile Trail.

3.2. Designated County Highways. In addition, snowmobiles may be operated on the shoulders and inside banks of that portion of the County Highway known as Number Four Road as so designated by the County Board of Legislators.

3.3. Unplowed Highways. Snowmobiles may be operated on highways, or portions thereof, during the periods when and at locations where the highway is customarily unplowed and unused during the winter months for vehicle travel.

3.4. Emergencies. Snowmobiles may be operated for the purpose of emergency travel only, during the periods of time when and at locations where snow upon the highway renders travel by motor vehicles impractical as so declared by the Supervisor of the Town. A snowmobile may also be operated on a highway otherwise closed to snowmobile travel in emergency situations when the specific travel for a specific purpose is authorized or directed by a peace officer, police officer, the Highway Superintendent of the Town or the County, the Supervisor, or the County Manager.

3.5. Highway Crossings. Snowmobiles may be operated so as to take a direct crossing of a highway at any time of the day provided the crossing is made at an angle approximately 90 degrees to the direction of the highway, and at a place where no obstruction prevents a quick and safe crossing, and the snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of

the highway and the driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.

3.6. Culverts and Bridges. Snowmobiles may be operated on highways when necessary to cross a bridge or culvert.

3.7. Outside Banks. Snowmobiles may be operated on the outside banks of highways in the Town.

3.8. Roadways. Snowmobiles may be operated on the roadways of the highways designated in Section 3.1 or the portions thereof in case the outside banks or shoulders are determined by the Supervisor to be impassable or non-existent by reason of prevailing snow conditions or conditions of terrain.

3.9. Access Areas. Snowmobiles may be operated on the highways designated in Section 3.1 for a distance not to exceed 500 yards when, in the determination of the Supervisor, it is otherwise impossible for snowmobiles to gain access to areas or trails adjacent to the highway, for the purpose only of gaining access to and from the areas of operation.

SECTION 4. RESTRICTIONS ON OPERATION.

4.1. Imprudent Speed. No person shall drive or operate any snowmobile at a rate of speed greater than reasonable or proper under the surrounding circumstances.

4.2. Reckless Operation. No person shall drive or operate any snowmobile in a careless, reckless or negligent manner so as to unreasonably endanger the person or property of another or to cause injury or damage thereto.

4.3. Intoxication and Drugs. No person shall drive or operate any snowmobile while in an impaired or intoxicated condition or under the influence of narcotics or drugs as defined by Section 114-a of the Vehicle and Traffic Law of the State of New York.

4.4. Lights. No person shall drive or operate any snowmobile between sunset and sunrise or when lights are required for safety without displaying at least one lighted headlight and tail light.

4.5. Plantings. No person shall drive or operate any snowmobile in any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto.

4.6. On Lands of Another. No person shall drive or operate any snowmobile on private property without the consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another in violation of this section 4.6 shall stop and identify himself or herself upon the request of the landowner, or the landowner's duly authorized representative or lessee, and if requested to do so by the landowner, representative or lessee shall promptly remove the snowmobile from the premises.

4.7. Towing of Sleigh, Sled or Toboggan. No person shall drive or operate any snowmobile while towing a sleigh, sled or toboggan, unless attached by a rigid support, connection or tow bar.

4.8. Fail to Stop and Yield. No person shall drive or operate any snowmobile in any place at any time and fail to stop and yield to an authorized ambulance, civil defense, or police snowmobile or police vehicle being operated as an emergency vehicle and approaching from any direction.

4.9. Failure and Refusal to Comply. No person shall drive or operate any snowmobile in any place at any time and fail or refuse to comply with any lawful order or direction of any police officer or other person duly empowered to enforce the Laws of the State and/or the Town relating to snowmobiles.

4.10. Lane Operation. No person shall drive or operate any snowmobile on any highway when it is otherwise permitted between sunset and sunrise except on the right side of such right of way or highway and in the same direction as the highway traffic or the nearest lane of the roadway adjacent thereto.

4.11. Single Lane. No person shall drive or operate any snowmobile on any highway when otherwise permitted unless in a single file, and such persons shall not ride tandem or abreast of each other except in overtaking another snowmobile, and such persons shall travel on the right side of the road in the same direction as the flow of vehicular traffic.

4.12. Skis or Sleigh, Sled or Toboggan. No person shall drive or operate any snowmobile on or across a highway while pulling a person on skis or drawing or towing a sleigh, sled or toboggan which carries or transports any person. No person on skis shall be pulled by, and no person shall ride on or in a sleigh, sled or toboggan which is being towed or trailed by a snowmobile on a highway.

4.13. Public waters. No person shall drive or operate any snowmobile on the frozen surface of public waters within 100 feet of a person or within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.

4.14. Dwelling. No person shall drive or operate a snowmobile within 100 feet of a dwelling between 12 o'clock midnight and 6 o'clock a.m. at a speed greater than the minimum required to maintain forward movement of the snowmobile.

SECTION 5. LIABILITY INSURANCE.

5.1. Coverage. A snowmobile which shall be operated on the roadway or shoulder of a highway shall be covered by a policy of insurance, in such language and form as shall be determined and established by the superintendent of insurance, issued by an insurance carrier authorized to do business in the State. Such

policy shall provide coverage for any one person sustaining bodily injuries or the death of one person in any one accident in the amount of at least ten thousand dollars, and subject to said limit of one person, in the amount of at least twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in an amount of at least five thousand dollars because of injury to or destruction of property of others in any one accident, for damages arising out of negligent operation of said snowmobile. In lieu of such insurance coverage as hereinabove provided, the Commissioner, in his discretion and upon application of a governmental agency having registered in its name one or more snowmobiles, may waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance, when he is satisfied that such governmental agency is possessed of financial ability to respond to judgments obtained against it, arising out of the ownership, use or operation of such snowmobile. The Commissioner may also waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance upon application of any person or any other corporation, having registered in its name, one or more snowmobiles, and furnishing of proof that a certificate of self-insurance has been issued and is in effect by the commissioner of motor vehicles, pursuant to the provisions of Section three hundred sixteen of the Vehicle and Traffic Law.

5.2. Proof on Request. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such snowmobile upon the request of any magistrate or any person having authority to enforce the provisions of this Local Law. The failure to produce such proof upon the request of any such person shall not be an offense but shall be presumptive evidence that the snowmobile is being operated without having such insurance in force and effect.

5.3. Proof Upon Accident. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such snowmobile to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such snowmobile by the owner or operator, if such insurance coverage was required under the circumstances of such operation. It shall be an affirmative defense to any prosecution for a violation of this subdivision that such proof was so produced or displayed within twenty-four hours of receiving notice of such injury or damage, or the claim of such injury or damage.

5.4. Owner Liability. No owner of a snowmobile shall operate or permit the same to be operated upon the shoulders or roadways of highways without having in full force and effect the liability insurance coverage required by this section, and no person shall operate a snowmobile upon the shoulders or roadways of highways with knowledge that such insurance is not in full force and effect.

SECTION 6. EQUIPMENT. No person shall drive or operate a snowmobile on a highway within the Town unless it is equipped with the required headlight, taillight, brakes, reflector material, and muffler as defined by and in accordance with the minimum standards of Section

25.17 of Parks, Recreation and Historic Preservation Law of the State of New York.

SECTION 7. OPERATION WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

7.1. Impaired Operation. No person shall operate a snowmobile on a street, highway, public trails or lands while such person's ability to operate such snowmobile is impaired by the consumption of alcohol or by the use of a drug as defined by Section 114-a of the Vehicle and Traffic Law.

7.2. Intoxicated Operation. No person shall operate a snowmobile on a street, highway, public trails or lands, while such person is in an intoxicated condition.

7.3. Alcohol by Weight. No person shall operate a snowmobile on a street, highway, public trails or lands while such person has .10 of one percentum or more by weight of alcohol in such person's blood as shown by a chemical analysis of the blood, breath, urine or saliva, made pursuant to the provisions of Section 25.24 subdivision 4 of the Parks, Recreation and Historic Preservation Law.

7.4. Combined Effect. No person shall operate a snowmobile while such person's ability to operate such snowmobile is impaired by the combined effects of the consumption of alcohol and the use of one or more drugs as defined by Section 114-a of the Vehicle and Traffic Law.

7.5. Misdemeanor. A violation of Section 7.2, 7.3 or 7.4 of this Section shall be a misdemeanor and shall be punishable by imprisonment for not more than one year, or by a fine of not more than $500.00, or by both such fine and imprisonment.

7.6. Incorporation by Reference. The provisions of Parks, Recreation and Historic Preservation Law Section 25.24 subdivisions 2, 3, 4, and 5 are incorporated herein by reference with the same force and effect as if set forth at length herein.

7.7. Lesser Charge. A snowmobile operator may be convicted of a violation of Section 7.1, 7.2, 7.3, or 7.4 notwithstanding that the charge laid before the Court alleged a violation of 7.2, or 7.3, or 7.4, and regardless of whether or not such conviction is based upon a plea of guilty.

SECTION 8. ACCIDENTS; REPORTS.

8.1. Accident Report. The operator of any snowmobile involved in any accident resulting in injuries to or death of any person or in which property damage in the estimated amount of one hundred dollars or more is sustained, shall within seven days after such accident report the matter in writing to the Office of Parks, Recreation and Historic Preservation of the State, with a copy thereof to the Sheriff of the County. If such operator is physically incapable of making such report and there is another participant in the accident not so incapacitated, such participant shall make the

report within the allotted time after such accident. In the event that there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the Office of Parks, Recreation and Historic Preservation of the State, together with such information as may have come to his knowledge relating to such accident. Every such operator of a snowmobile, or participant in any such accident, or the owner of the snowmobile involved in any such accident, shall make such other and additional reports as the Commissioner shall require.

8.2. Personal Injury. Whenever any snowmobile meets with an accident involving a loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number assigned to said snowmobile to the injured person or the person sustaining the damage, or to a peace or police officer. In the event the person sustaining the damage is not present at the place where the damage occurred, the operator shall, as soon as physically able, report the same to the nearest law enforcement agency.

8.3. Police Report. A peace, police, or judicial officer who investigates or receives information of an accident involving a snowmobile shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge and mail the same within forty-eight hours to the Office of Parks, Recreation and Historic Preservation of the State, and keep a record thereof in his office.

8.4. Evidence. Failure of such persons to give notice of any accident requiring notice shall be prima facie evidence that such accident was not reported.

SECTION 9. YOUTHFUL OPERATORS.

9.1. Age of Operator.

(a) No person under the age of ten years shall operate a snowmobile except upon lands owned or leased by his or her parent or guardian, unless he or she is accompanied by a person over eighteen years of age or a person over fourteen years of age who holds a snowmobile safety certificate. "Leased lands" as herein used shall not include lands leased by an organization of which said operator or his parent or guardian is a member.

(b) A person under ten years of age may operate a snowmobile when accompanied by a person specified in paragraph (a) on unplowed highways designated for snowmobile use pursuant to Section 3.3 of this Local Law. Notwithstanding any other provision of this Local Law, a person under ten years of age shall not operate a snowmobile elsewhere on or across a highway at any time.

(c) A person who is at least ten years of age but who has not attained his or her sixteenth birthday shall have the same right

of operation as a person under ten years of age, except as provided in Section 9.2.

9.2. Snowmobile Safety Certificate. A person ten years of age but less than sixteen years of age who has received safety training as prescribed by the Commissioner and has received the appropriate snowmobile safety certificate issued by the Commissioner, may operate a snowmobile in the same manner as a person who is sixteen years of age or older.

9.3. Exhibition of Certificate. The failure of such a youthful operator to exhibit a snowmobile safety certificate upon demand to any magistrate or any other officer having authority to enforce the provisions of this Local Law shall not be an offense, but shall be presumptive evidence that such person is not the holder of such certificate.

9.4. Owner Responsibility. No owner of a snowmobile shall authorize or permit the operation thereof within the state by any person in violation of the provisions of this Section 9.

9.5. Owner Responsibility for Other Provisions of this Section. No owner or other person in possession of any snowmobile shall authorize or knowingly permit any person under sixteen years of age to operate such a snowmobile in violation of any of the provisions of this Local Law, the Rules and Regulations of the Commissioner of Parks, Recreation and Historic Preservation, or the provisions of any State Law or Ordinance.

9.6. Parent or Guardian Responsibility. No parent or guardian shall authorize or knowingly permit his or her child or ward, if under sixteen years of age, to operate a snowmobile in violation of any of the provisions of this Local Law, the Rules or Regulations of the Commissioner, or the provisions of any State Law or Ordinance regulating snowmobiles.

SECTION 10. ENFORCEMENT. Every peace officer, police officer, conservation officer in the Department of Environmental Conservation, and employees of the office of Parks, Recreation and Historic Preservation as may be designated by the Commissioner shall enforce the provisions of this Local Law. Such enforcement officer shall be authorized to issue appearance tickets, or in lieu thereof uniform appearance tickets and simplified traffic informations, for any violation of this Local Law.

SECTION 11. OFFENSES AND PENALTIES. Any person who violates any provision of this Local Law shall be guilty of a violation. For a first conviction thereof, such person shall be punished by a fine of not more than one hundred dollars. For a conviction of a second violation within a period of eighteen months, such person shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment. Upon conviction of a third or subsequent violation, all of which were committed within a period of thirty-six months, such person shall be punished by a fine of not more than three

hundred dollars, or by imprisonment for not more than forty-five days, or by both such fine and imprisonment. Notwithstanding the foregoing, however, a violation of Section 7 of this Local Law shall be subject to the penalties as set forth in Section 7.5 of this Local Law. Notwithstanding the foregoing penalties, the Court which renders the conviction of any person for violation of this Local Law, may, in its discretion, impose such other penalty or penalties as it deems appropriate, which may be provided for in case of a violation of any of the provisions of the Parks, Recreation and Historic Preservation Law of the State. In the event of such other penalty, the fees and penalties imposed by such Court shall be disposed of as provided for by Section 27.13 of the Parks, Recreation and Historic Preservation Law.

SECTION 12. EFFECTIVE DATE. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.