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REVISION ORDINANCE #25

**AN ORDINANCE PROVIDING FOR THE REGULATION OF THE
OPERATION OF SNOWMOBILES IN THE TOWN OF BOLTON**

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SECTION 1. PURPOSE

By adoption of this Ordinance, the Town Board of the Town of Bolton = declares an intent to regulate and promote safe and proper use of = snowmobiles for recreation and commerce within the municipality. The = Town Board encourages snowmobile trail development to prevent permanent = or detrimental effects upon the environment. This Ordinance is enacted = to promote the full intent and purposes of Article 8 of the New York = State Environmental Conservation Law, and Section 25.09 of the Office of = Parks, Recreation, and Historic Preservation Law and other statutes, = rules and regulations in such case made and provided.=20

SECTION 2. DEFINITIONS, RULES AND REGULATIONS

A. All of the provisions, definitions, rules and regulations set forth = in Article 8 of the Environmental Conservation Law of the State of New = York (Conservation Law) are hereby applied and adopted. In addition and = for the purposes of this Ordinance, the terms defined herein shall have = the following meaning:

(i) **SNOWMOBILE:** Any self-propelled vehicle designed for travel on snow = or ice, steered by skis or runners and supported, in part, by skis, = belts or cleats.

(ii) **OPERATE:** To ride in or on a snowmobile other than as a = passenger, and to use or control the operation of a snowmobile in any =

manner, whether or not said snowmobile is in motion.

(iii) OPERATOR: Any person who is in control of a snowmobile.

(iv) DESIGNATED SNOWMOBILE TRAIL: A route of travel upon or across =
public or private lands specifically created for and maintained as a =
route of public snowmobile travel, or part of a system of designated =
snowmobile routes promoted and sponsored by local or state government as =
a public system.

SECTION 3. FINANCIAL RESPONSIBILITY

A. No snowmobile shall be operated on any designated snowmobile trail, =
along any "access area" listed in Section 4 herein, or across any public =
street or highway in the Town of Bolton unless the owner of such =
snowmobile has secured a policy of insurance providing coverage against =
liability imposed by law for bodily injury or death, and for property =
damage covering at least the minimum limits, as required of an owner of =
an motor vehicle consistent with Article 6 of the Vehicle & Traffic Law =
of the State of New York and regulations promulgated thereunder.

B. The owner of a snowmobile shall maintain proof of financial security =
by means of a certificate of insurance indicating compliance with the =
aforementioned coverage requirements of Section 3A. The inability to =
produce proof of insurance when required to do so, such as upon the =
demand of a town magistrate, police officer, or peace officer while such =
snowmobile is being operated in areas specified in Section 3A herein in =

the Town of Bolton, shall be presumptive evidence of non-compliance with this section. The production of a valid, current certificate of insurance applicable to the relevant period of operation within seventy-two (72) hours after any citation for violation hereof shall be deemed adequate proof of financial security.

SECTION 4. ACCESS AREAS

A. The following public streets or highways in the Town of Bolton are hereby declared to be "access areas" for the purpose of this Ordinance as well as for Section 8-0303 C (3) of Conservation Law: (See Schedule A List attached.)

B. Designation of any public street or highway as a snowmobile "access area", addition to the foregoing list, amendment or deletion may be made in the future by Town Board resolution.

C. Designation of any public street or highway as a snowmobile "access area" is in no way intended to limit or impair the right of any motor vehicle to operate upon such public street or highway.=20

SECTION 5. UNCONGESTED HIGHWAYS

Any "access area" specified in Section 4 herein in the Town of Bolton, with the exception of any New York State Highways, is hereby declared to be an uncongested highway for the purpose of this Ordinance as well as Section 8-0303 C (3) of the Conservation Law.

SECTION 6. OPERATION OF SNOWMOBILES

A. It shall be lawful to operate a snowmobile on a designated =
snowmobile trail, access area or uncongested highway in the Town of =
Bolton, as follows:

1. On the inside edge of the guardrails or on the inner roadside of any =
snow embankment along the above listed access areas (Section 4 herein). =
If the designated area is impassable, the right hand shoulder of the =
access area street or highway may be used as a single lane of snowmobile =
travel pursuant to Section 5 of this Ordinance.

2. In any emergency, as so declared by the appropriate chief executive =
officer as defined in subdivision 1(b) of Section 209-m of the General =
Municipal Law, and for the purpose of emergency travel only, on any =
public street or highway, during the period of time when and at =
locations where snow upon the public street or highway renders travel by =
automobile impracticable.

3. On town public streets or highways customarily unplowed throughout =
the snow/winter season.

4. Snowmobiles may be operated to make a direct crossing of a public =
street or town highway provided:

a. The crossing is made at an angle of approximately ninety (90) degrees =
to the direction of the public street or highway and at a place where no =
obstruction prevents a safe crossing.

b. The snowmobile is brought to a complete stop before crossing the =

shoulder or main traveled way of the public street or highway as well as =
wherever there is a stop sign.

c. The snowmobile operator must yield the right-of-way to all oncoming =
motor vehicle or pedestrian traffic.=20

d. If any crossing is made between the period of one half hour before =
sunset and one half hour after sunrise or under snow conditions of =
reduced visibility, all front and rear lights on the snowmobile shall be =
in operation.

5. Where any roadside snow bank of a public street or highway is =
impassable, including and in addition to the operations permitted under =
this Local Ordinance, snowmobiles may be operated on the shoulder and =
inside bank or slope of any public street or highway (except on a State =
Highway) within the Town of Bolton at those locations where:

a. The outside snow bank of such public street or highway is impassable.

b. Where the inside snow bank, slope and shoulder of such public street =
or highway is impassable, a snowmobile may be operated thereon, =
provided, however, that any permission to operate a snowmobile under =
this subsection is to extent only from the point of a public street or =
highway where the outside bank becomes impassable to the nearest exit =
point from such public street or highway where the outside bank resumes =
a passable condition.

6. When necessary to cross a bridge or culvert.

B. It shall be unlawful to operate a snowmobile on "access areas" =

specified in Section 4 herein at a rate of speed in excess of twenty =
(20) miles per hour.

C. Snowmobiles shall be permitted to operate on "access areas" =
specified in Section 4 herein between the hours of 8:00 a.m. and 10:00 =
p.m. only.

SECTION 7. OPERATION OF SNOWMOBILES: GENERAL

A. It shall be unlawful for any person to drive or operate a snowmobile =
in the Town of Bolton unless in conformity with the following =
conditions:

1. Youthful Operator: No person under the age of twelve (12) years shall =
operate a snowmobile upon the roads in the Town of Bolton, and all =
Youthful Operators ages 12-18 years of age must possess a valid =
"Youthful Operators Safety Course" certification approved by the New =
York State Parks, Recreation and Historic Preservation Department. All =
Youthful Operators operating a snowmobile in areas permitted by this =
Ordinance must be accompanied by a parent, guardian or individual in a =
position of loco parentis over the age of eighteen (18) years.

2. Careless, reckless or negligent operation in any manner so as to =
endanger a person or property of another is prohibited.

3. Operation of a snowmobile on private property shall be permitted with =
the consent of the owner or lessee.=20

B. Any person operating a snowmobile upon privately owned lands shall stop and provide identification upon request of the landowner, the lessee or the duly authorized representative of the landowner or the lessee and, if requested to do so by said landowner or lessee or representative, such operator shall promptly remove said snowmobile from the premises.

C. All laws contained in the New York State Vehicle & Traffic Law, Environmental Conservation Law and rules and regulations of the Office of Parks, Recreation and Historic Preservation Law applicable to the operation of a snowmobile in the Town of Bolton shall remain in full force and effect. No provision hereof is intended to pre-empt nor constitute a requirement in conflict with state statute, administrative law, rule or regulation.

SECTION 8. HELMETS

No person shall operate a snowmobile or ride as a passenger on a snowmobile in areas permitted by this Ordinance in the Town of Bolton or upon property owned by the Town of Bolton unless such person is wearing a protective helmet of a type manufactured under Federal DOT Standard 571.218 or receiving SNELL rating approval. A helmet worn in conformity with this requirement shall be properly strapped and/or buckled to the head of the operator and each passenger.

SECTION 9. EQUIPMENT

All snowmobiles operating in areas permitted by this Ordinance in the Town of Bolton shall be equipped with:

1. Lights with at least one (1) white or amber head lamp having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead between the period of one-half hour before sunset and one-half hour after sunrise and under clear atmospheric conditions. In addition, all lighting must satisfy the manufacturers' minimum specifications for the model year of the snowmobile being operated.
2. Taillights with at least one (1) red tail-lamp having a minimum candlepower of sufficient intensity to exhibit a red light visible from a distance of five hundred (500) feet to the rear between the period of one-half hour before sunset and one-half hour after sunrise under clear atmospheric conditions. In addition, all lighting must satisfy the manufacturers' minimum specification for the model year of the snowmobile being operated.
3. A brake system shall be required on each snowmobile and be in satisfactory mechanical working condition. All brake systems shall satisfy the snowmobile manufacturers' minimum specifications for the model year of the snowmobile being operated.
4. An adequate muffler system shall be required in satisfactory working condition. Operation of a snowmobile modified in a manner that shall amplify or otherwise increase total noise emission to a level greater =

than that emitted by the snowmobile as originally manufactured is prohibited. Any exhaust system other than the manufacturers' standard/stock shall require proof to any requesting law enforcement agency demonstrating the altered system's decibel rating is equivalent to or less than the manufacturers' standard/stock system. Those specifications offered, as proof of compliance shall include actual decibel readings for comparison. No person shall operate a snowmobile that exceeds a noise level of seventy-five (75) decibels as measured on the A-weighted scale on a decibel meter at a distance of fifty (50) feet.

SECTION 10. OPERATING A SNOWMOBILE

WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

A. No person shall operate a snowmobile in areas permitted by this Ordinance in the Town of Bolton:

1. While such operator is in an intoxicated condition.
2. While such operator has .08 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva obtained and tested pursuant to the provisions of Subdivision C of this section.
3. While such operator's ability to operate such vehicle is impaired by the use of a drug or illegal substance as is prohibited and defined by the New York State Vehicle and Traffic Law.

B. Any person operating a snowmobile in any area permitted by this Ordinance in the Town of Bolton in violation of any of the provisions of Section 10A shall, at the request of a police officer or peace officer, submit to administration of a recognized field sobriety test as may be administered. The police officer or peace officer may also require such operator to submit to a chemical test in the manner set forth in Subdivision C of this section.

C. Any person operating a snowmobile in any area permitted by this Ordinance in the Town of Bolton shall be deemed to have consented to the application of a chemical test of such person's blood, breath, urine or saliva provided that such test is administered at the direction of a police officer or peace officer having jurisdiction in the Town of Bolton, and where such officer has reasonable grounds to believe the person to be tested has operated a snowmobile in violation of Section 10A. Such test shall be administered within two (2) hours after such operator has been placed under arrest for any violation of Section 10A or within two (2) hours after a field sobriety test, as provided in Subdivision B of this Section.=20

D. A violation of Paragraphs 1, 2 or 3 of Subdivision A of this Section 10 shall constitute an unclassified misdemeanor and shall be punishable: =

1. On a first offense by a fine of no less than three hundred dollars =

(\$300.00) and not to exceed five hundred dollars (\$500.00), or a period =
of incarceration not exceeding ninety (90) days, or both.

2. On any subsequent offense by a fine of no less than five hundred =
dollars (\$500.00) and not to exceed one thousand dollars (\$1,000.00), or =
a period of incarceration not exceeding one (1) year, or both.

E. A police officer or peace officer having jurisdiction in the Town of =
Bolton may, without a warrant, arrest a person in a case of a violation =
of Section 10 if such a violation arises out of operation of a =
snowmobile or is in the course of any snowmobile accident or collision =
in which a snowmobile operator is involved, so long as the police =
officer or peace officer has probable cause to believe that a violation =
was committed by such person as a snowmobile operator and that such =
person's conduct caused or contributed to an accident or collision by =
reason of an intoxicated condition or under the influence of a drug.

F. Upon making an arrest for a violation of Section 10, a police officer =
or peace officer may remove or arrange for the removal of the snowmobile =
to a facility for safekeeping, where it may by court order remain =
impounded in the custody of the local authority to be released to the =
owner after consideration and provision shall be given to:

1. The payment for any reasonable costs of removal and storage of the =
snowmobile

2. After court disposition of the charge(s).

SECTION 11. VIOLATIONS

Any violation of any provision of this Ordinance, other than the provisions specified in Section 10 herein, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

SECTION 12. SEVERABILITY

In any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined on its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 13. EFFECTIVE DATE

This Ordinance is intended in all respects to replace the existing Ordinance 25 and shall become effective immediately in accordance with all applicable law.

SCHEDULE A

BEECHWOOD DRIVE

DICKINSON HILL ROAD

EAST SCHROON RIVER ROAD

EDGECOMB POND ROAD

FEDERAL HILL

FINKLE ROAD

FINKLE ROAD TO WATER PLANT ROAD

FRANK CAMERON ROAD

INDIAN BROOK

LAMB HILL ROAD

LOWER BRERETON ROAD

MOHICAN HILL ROAD

NEW VERMONT ROAD

PADANARUM ROAD

POTTER HILL ROAD

RAINBOW BEACH ROAD

ROGERS PARK ROAD AND PARKING AREA (NO GREEN AREAS)

SAWMILL ROAD

SHERMAN LAKE ROAD

SOUTH TROUT LAKE ROAD

SPUR ROAD

TROUT FALLS ROAD

UPPER BRERETON ROAD

VALLEY WOODS ROAD

VETERANS PARK ROAD AND PARKING AREA (NO GREEN AREAS)

WALL STREET

WALL STREET EXTENSION

WARDBORO

WATER PLANT ROAD

WILLOW LANE