

County  
City of CANDOR  
Town  
Village

Local Law No. 2 of the year 2004

A local law All Terrain Vehicle Road Usage Law  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  
City of CANDOR as follows:  
Town  
Village

**TOWN OF CANDOR**

Local Law #2 of 2004

**All Terrain Vehicle Road Usage Law**

Legislative Purpose: The Town of Candor wishes to foster and encourage all types of agriculture and open space, including recreational facilities. The goal is the encouragement of land owners and organizations to develop trails for use by motorized vehicles. Several private all terrain vehicle (ATV) trails have been developed within the Town and are frequently used by clubs and individuals for recreational purposes.

Because of the difficulty of getting from trail to trail without traveling on portions of Town of Candor roads, this law authorizes ATV users, under the conditions specified herein, to legally travel on all Town of Candor roads for the express purpose of going from one trail to another trail.

Authorization for this law is granted under New York State Consolidated Laws for Vehicle and Traffic (Article 48-C Section 2405).

Definitions

1. "ATV" means all terrain vehicle or a four-wheel motorized machine designed for off-road usage.
2. "Operate" means to ride in or on, other than as a passenger, or use or control the operation of an ATV in any manner, whether or not said ATV is under way.
3. "Operator" means every person who operates or is in actual physical control of an ATV.

Operation of ATVs, where permitted

1. Highways.
  - a) An ATV may make a direct crossing on state or county highway other than an interstate highway or a controlled access highway, provided:

b) a muffler system in good operating condition which meets federal standards as established in 40 CFR (Code of Federal Regulations) Part 205.166, sub Part E;

c) a spark arrester approved by the United States Forest Service;

d) tires having at least two-thirty seconds of an inch of tread with no visible breaks, cuts, exposed cords, bumps or bulges;

e) a lighted white headlight and a lighted red taillight approved by the commissioner must be on at all times while under operation on Town of Candor roads.

f) a rear view mirror.

2. No person shall operate an ATV or ride as a passenger on an ATV unless he is wearing a protective helmet of a type approved by the commissioner.

3. No person shall operate an ATV on Town of Candor roads without a valid motor vehicle operator's license.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*Cary M. Roberts*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Town Clerk

(Seal)

Date: March 30, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Signature]*

Signature

Town Attorney

Title

County  
City of CANDOR  
Town  
Village

Date: March 30, 2004

#3  
hearing  
10/17

**VILLAGE OF CANDOR  
LOCAL LAW NO. 3 FOR THE YEAR 2014**

**A LOCAL LAW DESIGNATING CERTAIN PORTIONS OF VILLAGE OF CANDOR'S  
PUBLIC HIGHWAYS AS OPEN FOR TRAVEL BY ATVS.**

Be it enacted by the Board of Trustees of the Village of Candor as follows:

**SECTION 1 PURPOSE AND FINDINGS**

This Local Law is adopted under the authority of the Municipal Home Rule Law § 10, the Statute of Local Governments § 10, Village Law § 4-412, and Vehicle and Traffic Law § 2405. The purpose and intent of this Local Law is to assist in the preservation of public health, general welfare and safety of the residents of the Village of Candor by properly designating certain portions of the public highways within the Village of Candor as open for travel by ATVs for the express purpose of accessing ATV trails. The Village Board of the Village of Candor hereby finds that designating public highways as open for travel by ATVs is necessary for ATVs to gain access to trails adjacent to said public highways.

**SECTION 2 TITLE**

This Local Law shall be known and may be cited as the "Village of Candor ATV Highway Travel Local Law."

**SECTION 3 DEFINITIONS**

For the purposes of interpreting these rules and regulations, all terms used herein shall have the same definitions and meanings as those used in the New York State Vehicle and Traffic Law.

**SECTION 4 OPERATION OF ATVS ON VILLAGE PUBLIC HIGHWAYS**

No person shall operate an ATV over or through Village of Candor public highways except from properties in the Village directly to and over the following public highways:

- Mill Street from the intersection of Mill/McCarty to the intersection of Mill/Main.
- Smith Street
- Stowell Avenue
- Water Street
- Delray Avenue
- McCarty Street

Operation of an ATV over said public highways shall be limited to the purpose of gaining access to trails adjacent to said public highways. Notwithstanding the foregoing, nothing herein shall limit the right to operate an ATV as permitted by Vehicle and Traffic Law §2403.

## **SECTION 5 RULES FOR OPERATION OF ATVS**

No person shall operate an ATV over or through designated Village of Candor public highways except between the hours of 7 a.m. and 10 p.m. Sunday through Thursday, and between the hours of 7 a.m. and 11 p.m. on Friday and Saturday.

All operators of ATVs shall follow and abide by those rules of operation set forth in Vehicle and Traffic Law § 2404, and all other laws, rules and regulations pertaining to the use and operation of ATVs as the foregoing are promulgated from time to time by the federal, state, and local governments with jurisdiction over the same.

In addition, all operators of ATVs while traveling on Village of Candor public highways shall:

1. Have on at all times a lighted white headlight approved by the commissioner of motor vehicles and a lighted red taillight approved by said commissioner.
2. Carry proof of liability insurance, a motor vehicle operator license, and a certificate of registration, as required by State law.
3. Wear a protective helmet of a type approved by the commissioner. This requirement shall also apply to all ATV passengers.
4. Operate the ATV at a rate of speed not to exceed fifteen (15) miles per hour.

## **SECTION 6 ENFORCEMENT**

The Village Code Enforcement Officer, Village Police Officer, or any legally authorized representative(s) of the Village, as well as any federal, state or county law enforcement officer, are authorized to enforce this Local Law, and are authorized to issue appearance tickets for violations of the same.

## **SECTION 7 VIOLATIONS**

Any person or entity that commits or permits acts in violation of any of the provisions of this Local Law shall be deemed to have committed an offense and shall be liable for any such violation and the associated penalty. For every such violation, the person or entity violating the same shall be subject to a fine of not more than \$50.00. Additionally, any person or entity violating this Local Law shall also be subject to a civil penalty enforceable and collectible by the Village in the amount of \$50.00 for each such offense. In addition, the Village may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of the provisions of this Local Law.

## **SECTION 8 SEPARABILITY**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

#### **SECTION 9 EFFECTIVE DATE**

This Local Law shall take effect upon being filed in the Office of the Secretary of State.