

CHAPTER 30
OFF ROAD VEHICLES

Be it enacted by the Board of trustees of the Village of arcade as follows:

- Section 1.** Legislative Intent
- Section 2.** Definitions
- Section 3.** Restrictions
- Section 4.** Numbering
- Section 5.** Exception
- Section 6.** Impoundment – Confiscation
- Section 7.** Penalty
- Section 8.** Enforcement
- Section 9.** Validity
- Section 10.** Effective Date

SECTION 1. LEGISLATIVE INTENT

The purpose of this Local Law is to protect the public health, welfare, safety, peace, tranquility and environment within the Village of Arcade by regulating the operation of motorcycles, limited use motorcycles, snowmobiles, limited use off-road and off-road vehicles (hereinafter called off-road vehicles) within the Village of Arcade. It is also the purpose of this Local Law to prevent those who wish to operate and use off-road vehicles from trespassing on public or private property in the Village of Arcade, from annoying any person or persons, harassing livestock, and from creating a public nuisance.

SECTION 2. DEFINITIONS

As used herein, the following words shall have the meanings set forth below:

A. Limited Use Motorcycle

Shall mean an unenclosed limited use vehicle having only two, three or four wheels, with a seat or saddle for the operator.

B. Motorcycle

Shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

C. Snowmobile

Shall mean any self-propelled vehicle designed to 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.

D. Limited Use Off-Road Vehicle

Shall mean a vehicle other than one currently licenses to be operated or driven upon a public highway which is propelled by any power other than human power.

E. Off-Road Vehicle

Shall mean any vehicle including the above, actually used off of the public highways, including all terrain vehicles (ATVs).

SECTION 3. RESTRICTIONS

The following are prohibited within the Village of Arcade at all times.

- A. The operation of any off-road vehicle in such a manner as to disturb or interfere with the peace and tranquility of other persons, by creating loud, unnecessary or unusual noise.
- B. The operation of any off-road vehicle in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety or property of any persons including the operator of the vehicle.
- C. The operation of any off-road vehicle at a rate of speed greater than reasonable or proper under the surrounding circumstances.
- D. The operation of any off-road vehicle within 25 feet of any dwelling other than the dwelling house of the operator.
- E. The operation of any off-road vehicle on any lands leased, owned or controlled by the Village of Arcade except as provided by Local Law. This shall not be construed to prohibit lawful operation of vehicles on public streets or thoroughfares.

SECTION 4. NUMBERING (Repealed 12/02/03)

SECTION 5. EXCEPTIONS

Section 3 shall not apply in those instances where a duly licenses operator of a duly licensed off-road vehicle is entering the public highway from a private driveway.

SECTION 6. IMPOUNDMENT – CONFISCATION

- A. Notwithstanding Section 7, any enforcement officer of the Village of Arcade Police Department who shall encounter any person operating an off-road vehicle in violation of this Local Law and registration agreement may impound said vehicle and shall place said vehicle in a designated location. The owner or duly designated agent of the owner of such vehicle may regain same upon payment of expenses and charges necessarily and actually incurred by the removal of said vehicle (warning on first offense).

Any vehicle not redeemed within ten (10) days from the confiscation thereof, may be sold by the Village of Arcade at public auction in a manner set forth in subparagraph 2 hereafter.

- B. In the case of a second or subsequent violation, in addition to the procedures available as set forth in the subparagraph for the payment of expenses and charges, and for the sale of said unit, a court may order confiscation of said vehicle in lieu of any fine and/or imprisonment. Any vehicle which is confiscated pursuant to this section will be sold at public auction according to the appropriate procedures and law affecting public auctions by municipalities. (Minimum bid should reflect cost and penalties to date.)

SECTION 7. PENALTY

A failure to comply with the provisions of this Local Law shall be deemed a violation and the violator shall be subject to a fine of not less than \$25.00 and not exceeding \$250.00 or imprisonment not exceeding fifteen (15) days or both.

SECTION 8. ENFORCEMENT

The Village of Arcade Police Department shall enforce the provisions of this Local Law.

SECTION 9. VALIDITY

If any clause, sentence, or provision of this Local Law shall be adjudged by a Court of competent jurisdiction to be invalid, the invalidity thereof shall not affect, impair or invalidate the remainder of this Local Law.

SECTION 10. EFFECTIVE DATE

This Local Law shall take effect once filed with the Secretary of State or as noted below.

Local Law No. 1-1986
Adopted: March 19, 1986
Filed: April 3, 1986

Amended
Local Law No. 8-2003
Adopted: December 2, 2003
Filed: December 8, 2003

Amended – Rev. 3
Local Law No.1-2007
Adopted: January 2, 2007
Filed: