

Chapter 77

SNOWMOBILES

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[HISTORY: Adopted by the Town Board of the Town of Windsor 6-7-73.¹ Amendments noted where applicable.]

§ 77-1. Legislative intent.

The purpose of this chapter is to protect the public health, welfare and safety by regulating the operation of snowmobiles within the Town of Windsor in a manner which will promote their safe and proper use for recreation and commerce, minimize detrimental effects of such use on the environment and permit the use of the highways and other lands on the town compatible with the use for vehicular and pedestrian travel and other uses.

§ 77-2. Legislative authority.[

¹ Adopted as Ch. 22 of the 1972 Code of the Town of Windsor.

This chapter is enacted pursuant to the provisions of Title D of the Parks and Recreation Law of the State of New York as enacted by Chapter 660 of the Laws of 1972, hereinafter referred to as enacted by Chapter 660 of the Laws of 1972, hereinafter referred to as "Title D."

§ 77-3. Definitions.

For the purpose of this chapter, the definition of words, phrases and terms adopted by Title D of the Parks and Recreation Law or by rules and regulations of the Office of Parks and recreation supplemental thereto are incorporated herein. Wherever the word "town" is used herein, reference shall be to the Town of Windsor, Broome County, New York.

§ 77-4. Operation on town highways.[Amended 4-2-97 LL No.1-1997]

A. Un-congested highways; operation on shoulders. Only the following streets or highways of the town are designated as un-congested for the purposes of the operation of snowmobiles on the shoulders thereof as authorized by Title D of the Parks and Recreation Law:

- (1) Cresson Hill Road and Ostrander Road from Old Route No. 17 Damascus, to East Windsor Road.
- (2) William Law Road and Steve Hill Road from Ostrander Road to Old Route No. 17.
- (3) Cascade Valley and E. Bosket Road from Old Route No. 17 to the state line.
- (4) Flanders Hill Road from State Line Road to E. Bosket Road.
- (5) Paterson and Springsteen Road from Dunbar Road to the town line.
- (6) Dodd Road from North Road to Dunbar Road.
- (7) Ansko Lake Road, from Dodd Road to Old Route No. 17.
- (8) Seward Road from Route No. 79 to the town line.
- (9) Phillips Road from Blatchley Road to Bell Road.
- (10) John White Road from Phillips Road to Anne Road.
- (11) Honey Hollow Road from the state line to Williams Road.

- (12) Anne Road from Honey Hollow Road to Trim Street.
- (13) Beaver Lake Road from Williams Road to Piper Hill Road.
- (14) Scouten Hill Road from Edson Road to the state line.
- (15) Saxby Road from Route No. 79 to Scouten Hill Road.
- (16) Blatchley Road from Trim Street to the state line.
- (17) Bell Road from Blatchley Road to Anne Road.
- (18) Hoadley Hill Road from Old Route No. 17 to Trim Street. **[Added 8-2-78]**

B. Closing highways as hazards. The Supervisor, Highway Superintendent, or Code Enforcement Officer of the Town of Windsor, are hereby authorized, at any time, to close any street or part thereof, in the Town of Windsor, to the operation of snowmobiles, which in his judgment may constitute a safety health hazard.

C. Limited operation on closed roads.

(1) Notwithstanding the provisions of Subsection A of this section, snowmobile traffic shall be permitted on all town highways in case of a snow emergency when and as so declared by the Town Supervisor as provided in Title D of the Parks and Recreation Law of the State of New York, and in addition, snowmobile travel on such highways and roads shall be permitted for emergency purposes only when the specific travel for a specific purpose is authorized or directed by a state policeman, Deputy Sheriff of the Broome County Sheriff's Department or by the Town Highway Superintendent.

(2) Operation shall be permitted on closed highways or roads for the purpose of making a crossing of a bridge or culvert as provided in Title D of the Parks and Recreation Law or to cross a road or highway for the purpose of gaining access or connection to portions of snowmobile trails divided by the highway when and only when such road crossing is identified by road markings in such manner as may be provided by the rules and regulations of the Office of Parks and Recreation.

§ 77-5. Regulations for snowmobile operation.

In addition to those conditions and restrictions set forth in Title D of the Parks and Recreation Law, whenever the operation of a snowmobile is permitted on any highway of the town as provided by § 77-4 above, the following conditions and restrictions are hereby established and shall be applicable to all such snowmobile operation.

- A. Age requirement. No person under fourteen (14) years of age shall be permitted to operate a snowmobile within the scope of this chapter.
- B. Public or private lands. No snowmobile shall be operated on any lands owned or occupied by a governmental agency or privately owned except with the express permission of any such owner or occupant.
- C. Play areas. No snowmobile shall be operated on a highway or road designated as a play area or in an area designated or used as a public park, golf course or otherwise.
- D. Sidewalks. It shall be unlawful to operate a snowmobile upon a public sidewalk or walkway.
- E. School areas. No snowmobile shall be operated on any property occupied and used as a school.
- F. Quiet zones. No snowmobile shall be operated at any time within five hundred (500) feet of property occupied and used as a hospital, sanatorium, nursing, convalescent or rest home.
- G. Speed limit. It shall be unlawful to operate a snowmobile on any town highway described herein or on any portion thereof at a rate of speed greater than reasonable or proper under the surrounding circumstances.
- H. Prohibited operating hours. It shall be unlawful to operate snowmobiles on any town highway described herein or on any portion thereof between the hours of 10:30 p.m. and 7:00 a.m., except than on Saturdays and Sundays the prohibited hours shall be between 12:00 midnight and 8:00 a.m.
- I. Unnecessary noise. It shall be unlawful to operate a snowmobile except at special events sanctioned and approved by the offices of the parks and Recreation Department of the State of New York in any manner which creates a loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons or in any other manner which constitutes a public nuisance or annoys, injures or endangers the health, safety, comfort or repose of the public. No person shall use a muffler cutout, bypass or any other device to defeat the operation of a muffler in good working condition, and noise emission shall be limited to those standards set forth in Title D of the Parks and Recreation Law.
- J. Financial security. It shall be unlawful for any person to operate a snowmobile on any road or highway within the town unless such person is insured pursuant to the provisions of § 25.13 of the Parks and Recreation Law of the State of New York and all such provisions of the aforesaid section are hereby adopted and ordained as if fully set forth herein.

K. Obedience to vehicular traffic controls. Each person operating a snowmobile on any road or highway within the town shall observe strictly all the vehicular traffic and shall obey the orders and directions of any state or local police or other law enforcement officer authorized to direct or regulate traffic.

§ 77-6. Liability for negligence.

Negligence in the use or operation of a snowmobile is attributable to the owner. Every owner of a snowmobile used or operated in this town shall be liable and responsible for death or injury to a person or persons or damage to property resulting from the negligence from the use and operation of such snowmobile by any person using or operating the same with the permission express or implied of such owner; provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

§ 77-7. Penalties for offenses.[Amended 4-2-97 LL No.1-1997]

Failure to comply with any of the provisions of this chapter shall be deemed a violation, and the violator shall be liable to a fine of not less than Twenty-five dollars (\$25.00) nor more than One hundred dollars (\$100.00).

§ 77-8. Severability.

If any section, subsection, paragraph, clause, sentence or phrase of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

§ 77-9. When effective.

This chapter shall be effective immediately, except that no snowmobiles shall be operated under the authority hereof until such time as signs designated by the Parks and Recreation Department set forth in their rules and regulations shall have been erected in compliance with such rules and regulations.