

ALL TERRAIN VEHICLE ROAD USAGE LAW

Town of Berkshire Local Law No. 2 of the year 2005

SECTION I - PURPOSE

The Town of Berkshire wishes to foster and encourage all types of agriculture and open space, including recreational facilities. The goal is to encourage landowners and organizations to develop trails for responsible use by motorized recreation vehicles. Several trails currently exist in the Town for All Terrain Vehicles (ATV).

Connecting the existing trails requires, in many cases, the use of portions of Town roads. This law authorizes specific ATV users, under conditions specified herein, to legally travel on designated and posted Town roads for the express purpose of going from one landowner permitted trail to another permitted trail. Designation of roads to be so used is the sole responsibility of the Berkshire Town Board. Such designation will be defined in an agreement between the Town Board and each specific, incorporated, insured, legally recognized ATV Club.

Documented landowner approval of continuation of trail from public road to private land is required prior to Board designation of a road use for ATV travel. Posting of Town Roads as ATV trails will be implemented by the Town, at the expense of the requesting club for signage purchase, installation and maintenance.

Authorization for this law is granted under New York State Consolidated Laws for Vehicles and Traffic (Article 48-C Section 2405). The Town board of the Town of Berkshire hereby enacts the following All Terrain Vehicle Road Usage Law pursuant to the provisions of the Municipal Home Rule Law.

SECTION II - DEFINITIONS

“ATV” means “All Terrain Vehicle” or a 4-wheel motorized machine intended for off-road use.

“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 in motion.

“Operator” means any and every person who operates or is in control of an ATV.

SECTION III – OPERATION OF ATVs

Town Roads: An ATV may make a direct crossing of a Town Road provided:

- a) The crossing is made at an approximate 90-degree angle and at a place where not obstruction precludes a quick and safe crossing.
- b) The ATV is brought to a stop before crossing the shoulder or main travel way of the road.
- c) The ATV operator yields the right-of-way to all Town Road traffic.
- d) Road usage is only in accord with the times specified herein.

SECTION IV – OPERATION RULES ON TOWN OF BERKSHIRE ROADS

Those sections of Berkshire Town Roads where operation of ATV's is permitted shall be set forth in a list on file with the town clerk. Amendments to this list may be approved by the Town Board periodically as situation dictate.

1. The operator of an ATV shall:

- a. operate at a rate of speed not to exceed 25 Miles Per Hours (MPH) on Town highways;**
- b. operate at a rate of speed prudent with environmental conditions and with regard to the actual and potential hazards;**
- c. stop and/or yield to all emergency vehicles;**
- d. comply with any orders issued by police personnel or other duly authorized emergency persons;**
- e. operate the ATV as far to the right of the roadway as possible;**
- f. operate all ATVs in single file;**
- g. Obey all rules of NYS Vehicle and Traffic laws.**

2. No sleigh, sled, toboggan, trailer or similar devise shall be trailed or towed by and ATV on Town roads.

3. ATVs may be operated on Town roads between the hours of 7:00 AM and 10:00 PM on Sunday through Thursday, and between the hours of 7:00 AM and 11:00 PM on Friday and Saturday.

SECTION V – EQUIPMENT

1. No person shall operate and ATV on Town roads unless it is equipped with:

- a. brakes in good working order;**
- b. a muffler system in compliance with federal standards 40 CFR (Code of Federal Regulations) part 205.166, sub Part E;**
- c. a United States Forest Service approved spark arrestor;**
- d. tires with at least 3/32 inch of tread with no breaks, cuts, exposed cords, bumps or bulges;**
- e. a lighted white headlight and a lighted red taillight must be in operation at all times;**
- f. a rear view mirror.**

2. No person shall operate an ATV or ride as a passenger on Berkshire roads, without a protective helmet of a type approved by the NYS Commissioner of Motor Vehicles.

3. A valid motor vehicle operator's license is required to operate an ATV on Town of Berkshire roads.

As approved by Town Board in July 2005