

By Legislator Brew and DiFlorio

Intro No. _____

MOTION NO. _____ OF 2021

PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021, ENTITLED, "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," BE AMENDED

BE IT MOVED, that Local Law (Intro. No. 175 of 2021), entitled "**OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY**," be amended as follows:

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

CHAPTER 314, OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY

~~Section 1. § 314-1~~ **Title.** This ~~local law chapter~~ shall be known as the law "Operation of Off-Road Vehicles on Public Highways in Monroe County."

~~Section 2. § 314-2~~ **Legislative Intent.** ~~To create an additional Chapter of the General Local Laws of Monroe County pertaining to the operation of off-road vehicles in Monroe County to be enacted as follows. The Legislature hereby finds that:~~

- A. The use of off-road vehicles on public highways are a threat to the safety of pedestrians, motorists, and bicyclists.
- B. Law enforcement has requested assistance from the Legislature, in the form of a local law, giving law enforcement the power to impound illegally operated off-road vehicles.
- C. Many off-road vehicle operators and passengers are not equipped with proper protective gear.
- D. The health, safety and well-being of the citizens of Monroe County is furthered by curtailing the illegal and unsafe use of off-road vehicles on public highways.

~~Section 3. § 314-3~~ **Definitions**

- A. Off-Road Vehicle. Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic Law, and motocross or dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but not including non-motorized bikes.
- B. Operate. To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicles in any manner regardless of if said off-road vehicle is underway.
- C. Public Highway. Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

~~Section 4. § 314-4~~ **Unlawful Conduct and Hazardous Operation of Off-Road Vehicles.**

- A. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Monroe County.
- B. No person shall operate an ATV or any vehicle on the roadways of the County of Monroe unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorized government officials, the Monroe County Sheriff's Office, the Rochester Police Department, the New York State Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives, in furtherance of their official duties.

Section 5: § 314-5 Operation of Off-Road Vehicles in County Parks. Chapter 323 of the General Local Laws of Monroe County shall continue to govern the use of off-road vehicles in Monroe County parks.

Section 6: § 314-6 Required Protective Gears:

- A. Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

Section 7: § 314-7 Penalties:

- A. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of ~~the above sections~~ § 314-4 or § 314-6.
- B. Any off-road vehicle impounded pursuant to this section shall be stored by the pertinent police department or enforcement agency pending identification of the owner.
 - 1. Proof of Ownership. Acceptable proof of ownership are:
 - a. For a new off-road vehicle – the Manufacturer's Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or,
 - b. For a used off-road vehicle – a completed "Certification of Sale or Transfer" (MV-51) plus the MCO or MSO; or, a New York State transferable registration signed over to the current operator by the previous owner;
 - c. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a "Statement of Ownership" through the Department of Motor Vehicle (MV-51B).
 - 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request.
 - 2. Off-Road Vehicles Without Required Registration
 - a. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner.
- C. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
- D. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.

- E. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$500 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law, or \$2,000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- F. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

~~Section 8. § 314-8~~ **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 9 2. ~~Effective Date.~~ This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law and the Monroe County Charter.

Added language by this motion is underlined
 Deleted language by this motion is ~~stricken~~

Matter of Urgency
 File No. 21-0164.LL

ADOPTION: Date: _____ Vote: _____



Monroe County Legislature

Vincent R. Felder
Democratic Minority Leader

Ernest Flagler-Mitchell
Black & Asian Caucus Leader

April 27, 2021

To the Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY	
No.	210164
Not to be removed from the Office of the Legislature of Monroe County	
Committee Assignment	
URGENT	-L

Subject: Enact a Local Law Entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County"

Honorable Legislators:

For over a year, our community has seen a steady increase in the use of All-Terrain Vehicles (ATVs) and other off-road vehicles across Monroe County. Constituents across the County have reported this increase first-hand; loud dirt bikes and ATVs, small, motorized bikes weaving in and out of traffic, and witness accounts of tragedies caused by the same. It is clear that action must be taken to protect both the safety and quality of life for residents.

The current laws do not provide the clarity to our law enforcement required to take the necessary actions against these unregistered, uninspected, unlawful and dangerous vehicles. The majority of these pertinent vehicles are not supposed to be or intended to be driven on roads used for vehicular traffic. This problem is only exacerbated by the common group usage of these vehicles which creates additional proximity hazards for vehicle users in the group and all those around them.

In the past year alone, the operation of such off-road vehicles has created a number of unnecessary tragedies, injuries, and even fatalities – even one is too many. The rampant unlawful usage of these vehicles continues to create a safety hazard and quality of life detriment for nearly all facets of our community. Lawful motorists and pedestrians are put at risk from unregistered off-road vehicles, often invisible due to their small size and high speeds, and residents in their homes are forced to deal with modified exhausts and large groups which produce excessive noise impacting the quality of life and causing disruptions.

Monroe County is home to a diverse and vibrant community of individuals who all deserve to have the highest quality of life provided to them and their safety protected. This issue is boundless, impacting residents of all types and from all communities. This legislation will provide law enforcement with the comprehensive tools they need and deserve to address this issue for the betterment of all.

The specific legislative actions required are:

1. Schedule and hold a public hearing.
2. Adopt the local law as attached.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b) and is not subject to review under the State Environmental Quality Review Act.

This action would have no net impact on the current revenue and/or expenditures of the 2021 Monroe County budget.

Respectfully Submitted,



Vincent R. Felder
Monroe County Legislature
Democratic Minority Leader



Ernest Flagler-Mitchell
Monroe County Legislature
Black & Asian Caucus Leader

By Legislator Felder and Legislator Flagler-Mitchell

Intro No. _____

LOCAL LAW NO. _____ OF 2021

ENACT A LOCAL LAW ENTITLED "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Title. This local law shall be known as the law "Operation of Off-Road Vehicles on Public Highways in Monroe County."

Section 2. Legislative Intent. To create an additional Chapter of the General Locals Laws of Monroe County pertaining to the operation of off-road vehicles in Monroe County to be enacted as follows.

Section 3. Definitions

- A. Off-Road Vehicle. Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic law, and motocross or dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but no including non-motorized bikes.
- B. Operate. To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicles in any manner regardless of if said off-road vehicle is underway.
- C. Public Highway. Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

Section 4. Unlawful Conduct and Hazardous Operation of Off-Road Vehicles.

- A. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Monroe County.
- B. No person shall operate an ATV or any vehicle on the roadways of the County of Monroe unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorize government officials, the Monroe County Sheriff's Office, the Rochester Police Department, the New York State Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives, in furtherance of their official duties.

Section 5. Operation of Off-Road Vehicles in County Parks. Chapter 323 of the General Local Laws of Monroe County shall continue to govern the use of off-road vehicles in Monroe County parks.

Section 6. Required Protective Gears:

- A. Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

Section 7. Penalties:

- A. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of the above sections.
- B. Any off-road vehicle impounded pursuant to this section shall be stored by the pertinent police department or enforcement agency pending identification of the owner.
 - 1. Proof of Ownership. Acceptable proof of ownership are:
 - a. For a new off-road vehicle – the Manufacturer’s Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or,
 - b. For a used off-road vehicle – a completed “Certification of Sale or Transfer” (MV-51) plus the MCO or MSO; or, a New York State transferable registration signed over to the current operator by the previous owner;
 - c. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a “Statement of Ownership” through the Department of Motor Vehicle (MV-51B).
 - 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request
 - 2. Off-Road Vehicles Without Required Registration
 - a. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner.
- C. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
- D. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.
- E. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$500 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law, or \$2,000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- F. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

Section 8. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 9. Effective Date. This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law and the Monroe County Charter.

Matter of Urgency
File No. 21-____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____