

RESOLUTION No. 2021

***RELATIVE TO AMENDING CHAPTER 501 OF THE CODIFIED ORDINANCES
ENTITLED "TRAFFIC GENERALLY"***

BY:

Council Chairman Kenny Tompkins
Council Member William Kennedy II
Council Member Christopher Voccio

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 501 of the Codified Ordinances entitled "Traffic Generally" is hereby amended to read as follows:

501.51 OPERATION OF ALL-TERRAIN VEHICLES (ATVs) AND MOTORCYCLES

(a) Definitions:

(1) All-Terrain Vehicle ("ATV") - any self-propelled, motorized vehicle which is designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and used for operation primarily on off-highway trails or off-highway competitions

(2) Motorcycle - 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. For purposes of this subsection, this definition shall include, but not be limited to, motor vehicles also known as minibikes, pocket bikes, motorized bicycles, pit bikes and monkey bikes.

(b) Prohibition of Operation in a Park: In addition to the provisions set forth in the New York State Vehicle and Traffic Law ("VTL"), no person shall operate a motor vehicle within a park in a reckless manner or that creates a hazardous or

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physically offensive condition, or that unreasonably alarms or annoys another person using the park. Prohibited conduct shall include operating a motor vehicle in proximity to pedestrian or other users of the park by crossing over any pavement markings that separate pedestrian non-vehicular areas from vehicular areas or otherwise operating a vehicle in a manner so as to endanger or create a risk of injury to users of the park; and operating a motor vehicle adjacent to areas designated for pedestrian or non-vehicular use in excess of the posted speed limit in the park.

(c) Prohibition of Operation: In addition to the provisions set forth in the VTL, no person shall operate an ATV, motorcycle or any other motor vehicle, as defined under Section 125 of the VTL, in the City of Niagara Falls unless such ATV, motorcycle or motor vehicle is both registered and covered by liability insurance in accordance with the provisions of the VTL; provided, however, that an ATV, or any vehicle that is not street legal, may be operated without the aforementioned requirements by government officials, the Niagara Falls Police Department, the Niagara County Sheriff's Department, the New York State Police, New York State Parks Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives or other law enforcement agency having proper jurisdiction, in furtherance of their official duties. In accordance with the provisions of the VTL, in any case where an ATV/Motorcycle is in operation, the minimum amount of required insurance coverage shall be \$50,000.00. At no time shall these rules apply to the operation of an ATV as an emergency vehicle by any authorized emergency, police or civil department.

(d) Violations: A violation of any requirement contained in subsection (b) and/or (c) above shall be punishable by a fine of not more than \$2,500.00, but no less than \$500.00, and/or the seizure of the ATV/Motorcycle in question.

(1) First Violation: Shall be punishable by a fine of not more than \$2,500.00, but no less than \$500.00, plus any applicable storage and processing fees.

(2) Second Violation: In addition to the fine/fees referenced in

subsection (d)(1) above, said ATV/motorcycle may be appropriated by the City if the owner/operator does not have the following requirements listed below:

(A) Acceptable Proof of Ownership

(1) New ATV/motorcycle – a completed Manufacturer's Certificate of Origin (“MCO”), Manufacturer's Statement of Origin (“MSO”), or an out-of-state title certificate or registration certificate;

or

(2) Used ATV/motorcycle - a completed "Certification of Sale or Transfer" (“CMV-51”) with either the MCO/MSO, or a New York State transferable registration signed by the previous owner; or

(3) If the ATV/motorcycle in question has never been registered and the owner does not have the aforementioned ownership documents, the owner must complete and submit a "Statement of Ownership" (“CMV-51B”) through the Department of Motor Vehicles.

(B) Required Protective Gear: Any operator or passenger must wear a United States Department of Transportation (“USDOT”) approved helmet when riding an ATV or Motorcycle.

(C) Required ATV/Motorcycle Safety Equipment: Any ATV/Motorcycle operated within the City of Niagara Falls must have the following:

(1) Brakes in good operating condition;

(2) A muffler is in good operating condition and meeting federal standards;

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(3) A spark arrester is in good operating condition and approved by the U.S. Forest Service;

(4) Tires with at least 2/32nd of an inch tread, without visible breaks, cuts, exposed cords, bumps or bulges; and

(5) A lighted white headlight and red taillight lighted at all times when said ATV/Motorcycle is operated at night (the ATV/Motorcycle's headlight and taillight lighted when operating 30 minutes after sunset to 30 minutes before sunrise.

(3) Any individual found operating an ATV/motorcycle in violation of the above requirements shall have their vehicle appropriated by the City and not returned if the violator and/or the ATV/Motorcycle itself has three or more prior violations.

Bold and Underline Indicate **Additions**

Bold and Brackets Indicate **[Deletions]**