

Town of Nunda
Local Law No. 1 of the Year 2026.
A local law Regulating Use of Limited Use Vehicles and
All-Terrain Vehicles on Town Highways.

Be it enacted by the Town Board of the Town of Nunda as follows:

Section 1. Title and Authority. This local law shall be known as the Town of Nunda ATV and LUV Law. It is adopted pursuant to sections 10 and 20 of the Municipal Home Rule Law.

Section 2. Legislative Intent. Upon examination of Town highway usage and safety issues, and with the intent to provide lawful operators of limited use vehicles and all-terrain vehicles with suitable locations for their use, to encourage tourism but to discourage unlawful trespass upon public lands managed by the New York State Department of Environmental Conservation and NYS Office of Parks, Recreation and Historic Preservation, private lands and unsafe operation of limited use vehicles and all-terrain vehicles, the Town Board enacts this law regulating limited use vehicles (as defined below) and all-terrain vehicles (as defined below) on Town and Village roads. The Town & Village Boards shall also have the option to install signs prohibiting the operation of ATV and LUV on certain roads.

Section 3. Definitions.

- a. ATV. "ATV" shall mean "All Terrain Vehicles" as defined by Article 48-c of the New York State Vehicle and Traffic Law ("VTL"). It shall also include vehicles commonly referred to as "mini bikes", "dirt bikes", "trail bikes", or "Quads". "ATV" shall also include any self-propelled vehicle manufactured for sale for operation primarily on off-highway trails or off-highway competitions, but can be operated on town or village highways provided that such is capable of seating passengers side-by-side, is designed for no more than one driver and three passengers and is equipped with safety features included, but not limited to, seat belts and roll-over bars. This latter vehicle shall be referred to as a "Side-by-side".
- b. LUV. "LUV" shall mean "Limited Use Vehicles" as defined by Article 48-a of the Vehicle and Traffic Law.
- c. TOWN OF NUNDA. "Town" shall mean the Town of Nunda, Livingston County, New York.
- d. TOWN OR VILLAGE HIGHWAYS. "Town or Village Highways" shall mean those roads or streets shown on the inventory of Town highways or Village highways, respectively of the Town and Village of Nunda.
- e. SHOULDER – that portion of a highway or road immediately adjacent to the right side of a roadway, customarily used for emergency travel or parking.
- f. VILLAGE OF NUNDA. "Village" shall mean the Village of Nunda, Livingston County

f. , New York.

Section 4. Use. Pursuant to Section 1660 and Section 2405 of the Vehicle and Traffic Law, Appendix 1 lists those Town and Village Highways and Roads which permit and prohibit LUV and ATV use. ATV or LUV use at Rattlesnake Hill Wildlife Management area and lands belonging to Genesee Valley Greenway State Park is strictly prohibited. Appendix 1 may be revised from time to time upon notice to the public and approved by the Town Board and/or Village Board after a public hearing.

Section 5. Rules and Regulations

- a. No LUV or ATV shall be operated on any Town or Village Highway except in accordance with the provisions of the Vehicle and Traffic Law of the State of New York.
- b. No LUV or ATV shall be operated on any Town or Village Highway unless it is properly licensed, registered and insured as required by the Vehicle and Traffic Law of the State of New York. If state law does not require registration, then proof of ownership must be furnished to the Town and Village.
- c. No person shall operate an LUV or ATV on a Town or Village Highway at a rate of speed in excess of twenty-five miles per hour (25 mph).
- d. All operators of LUVs and ATVs shall proceed in single file when driving upon or crossing a Town or Village Highway.
- e. Hours of operation. During weekdays, no person shall operate an LUV or ATV on Town or Village Highways for recreational purposes within 200 feet of a dwelling between the hours of 10 PM and 7 AM. During weekends, no person shall operate an LUV or ATV for recreational purposes within 200 feet of a dwelling between the hours of 11 PM and 7 AM. *Exceptions are during Regular Bow Hunting and Deer Hunting seasons when the hours shall be 10 PM to 5 AM.
- f. Operation of LUV or ATV's on private property. No LUV or ATV shall be operated upon the property of another in the Town or Village of Nunda without the written consent of the owner or lessee thereof. There shall be a rebuttable presumption that the operator of an ATV off a public highway on private property in the Town or Village of Nunda lacks the consent to operate the ATV if the operator cannot produce written consent from the property owner.
- g. Each person operating an LUV or ATV on any Town or Village Highway or street shall strictly observe all vehicular traffic signs and signals and all other rules and regulations applicable to vehicular traffic and shall obey all the orders and directions of any state or local law enforcement officer authorized to direct or regulate traffic.
- h. Position on the road. It shall be unlawful to operate an LUV or ATV on a public street or highway in the Town and Village in any manner other than single file and as near to the right-hand curb or shoulder as safely practicable and in the same direction as traffic.

- i. Any ATV or LUV operating on town or village highways or roads must comply with the equipment requirements set forth in Article 48-C of the VTL. In addition, all ATVs must have at least one (1) handlebar mirror or a mounted rearview mirror. Handlebar mirrors shall be mounted on the left handlebar of the ATV/LUV. Lights must be on at all times when operating on a Town or Village highway or road.
- j. Any ATV or LUV owner wishing to operate an ATV or LUV on Town or Village Highways shall obtain a sticker which shall be prominently displayed on the ATV or LUV in order to simplify enforcement. One sticker per ATV or LUV is required. The cost and duration of the sticker validity shall be established by resolution of the Town and Village Boards and may be amended by resolution. Stickers will be used to facilitate enforcement and the proceeds from the same shall, amongst other things, be used to purchase and maintain ATV/LUV road signs. Stickers must be placed on the left front side of the vehicle or windshield and remain visible, unobstructed and clean.
- k. Any ATV or LUV owner wishing to operate an ATV or LUV on Town or Village Highways must provide proof of ownership, insurance, licensing and, registration (if required by state law) prior to obtaining a sticker. For a side-by-side, the owner must provide proof of ownership and a valid driver's license, since such vehicles are not capable of being registered in New York State. If New York State approves a law requiring registration of side-by-sides, then the owner must also provide proof of licensing, registration and insurance. Proof of same shall be provided upon request to any law enforcement officer or to any person who has suffered, or claims to have suffered, either personal injury or property damage as a result of the operation or use of such vehicle by any such owner or operator. The failure to produce such proof shall be presumptive evidence of operating the vehicle without insurance against public liability.
- l. Any operator or ATV/LUV owner who obtains a sticker shall be provided a copy of this local law, shall sign a statement of receipt of same, and thus deemed to know and understand its provisions before riding and shall be responsible for communicating the law's requirements to any person operating his or her ATV or LUV. All ATV/LUV owners shall also sign a Waiver, releasing the Town and Village from any and all liability.
- m. It shall be unlawful for any person without a valid state driver's license to operate an ATV or LUV on designated Town or Village Highways, unless if the age of at least sixteen (16) and possessing a valid permit, accompanied by a parent or legal guardian who must possess a valid driver's license. No one under the age of sixteen (16) shall operate an ATV or LUV on any Town or Village Highway or road. Anyone with a suspended driver's license may not operate an ATV or LUV on the designated roads.
- n. No person shall operate an ATV or LUV on a designated road in such a manner as to create loud, unnecessary, or unusual noise so as not to unreasonably disturb or interfere with the peace and quiet of Town residents.

- o. No person shall operate an ATV or LUV, or ride as a passenger on an ATV or LUV, unless he or she is wearing a protective helmet of a type that is DOT approved. Drivers and passengers in a fully enclosed side-by-side with doors, a roll bar and safety restraints (when so equipped) are exempt from wearing helmets.
- p. No person shall operate an ATV or LUV in a careless, reckless or negligent manner so as to unreasonably endanger the person or property of another or cause injury or damage thereto.
- q. Any ATV/LUV operating on Town and Village Highways must securely install a reflective, orange and red, triangular-shaped Slow-Moving Vehicle sign on the rear of the LUV or ATV in a manner that is unobscured. If not in an enclosed cab, or the operator/rider must wear a bright -colored yellow, orange or green safety vest.
- r. An ATV or LUV must not make unusual or excessive noise such that a reasonable person would find it offensive or which exceeds 90 decibels measured using the SAE J1287 test. Aftermarket exhaust systems or components are prohibited unless they are designed to reduce emissions and dampen noise.

Section 6. Signage.

- a. When installing signs designating roads upon which ATVs or LUVs may ride, the Superintendent of Highways of the Town of Nunda and the Village of Nunda DPW Superintendent shall post such Town and Village Highways in the manner provided by the rules and regulations of the Commissioner of Motor Vehicles, which shall be done as soon as practicable following the effective date of this Local Law. Travelling on the roads designated on Appendix 1 shall not be deemed a violation of this law if the signs are absent.
- b. At the request of the Department of Environmental Conservation and/or the Office of Parks, Recreation and Historic Preservation, the Town and Village will post signs at certain roads adjacent to state park lands affirmatively prohibiting ATV or LUV use.

Section 7. Filing. The Town Clerk is authorized to file a copy of this Local Law with the Commissioner of Motor Vehicles, in addition to appropriate filing with the Secretary of State.

Section 8. Violations and Penalties

- a. Any person convicted of a violation of any of the provisions of this local law shall be guilty of a traffic infraction as set forth in §1800 of the New York State Vehicle and Traffic Law, which shall be punishable by a fine of not more than One Hundred Fifty Dollars (\$150.00) or by imprisonment for not more than fifteen days, or by both such fine and imprisonment; for a second or subsequent conviction within eighteen (18) months thereafter, such person shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment for not more than forty-five days, or by both such fine and imprisonment;

and for a third or subsequent conviction within eighteen (18) months thereafter, such person shall be punished by a fine of not more than Four Hundred Fifty Dollars (\$450.00) or by imprisonment for not more than ninety days, or by both such fine and imprisonment. A person who is convicted, or negotiates a civil compromise, as a result of being cited for violating this local law three (3) times within a three (3) year period shall have their sticker and the rights conferred thereby to operate an ATV/LUV revoked and be prohibited from future operation of an ATV/LUV on Town or Village Highways.

b. It shall be an aggravated offense if the use of an ATV or LUV in violation of this local law results in injury to any person, damage to crops or nursery stock or otherwise involves damage to agricultural business stock. The person found to have committed an aggravated offense shall be subject to doubling of the fines set forth in this Section as well as revocation of this privilege.

c. A law enforcement officer may impound any ATV or LUV if:

1. The identity of the operator or owner of the ATV or LUV is unknown to the officer, and the ATV or LUV operator has no evidence of permission to operate the vehicle on private property, or
2. The operator is in violation of Section 5 (b), is travelling in excess of fifteen (15) MPH of the speed limit set forth in Section 5(c), or in violation 5(j)(k)(l) (m) or (n), or
3. The ATV or LUV is involved in an accident, causing serious injury or death, or
4. The ATV or LUV operator is caught causing significant damage to private or public property.

d. The period of impoundment for the ATV or LUV shall be for such time period as necessary for law enforcement purposes, which shall include use of the vehicle for identification in any court action. Any person wishing to have an ATV or LUV released from impoundment must make a motion before a court of competent jurisdiction, and said ATV or LUV shall be released upon court order. Upon receipt of said court order, the ATV or LUV shall be released by the authority of the Town or Village Attorney or Town Supervisor or Village Mayor upon payment of all impoundment fees that may apply and upon direct payment of all towing and storage charges imposed by private towing concerns which the Town or Village may use for the purpose of impoundment.

e. Civil Compromise. The Town and Village Justice is empowered to approve and enter an order on consent as a civil compromise between the Town and any person consenting to the imposition of a civil penalty not exceeding \$450.00 per offense and suspending prosecution until all conditions imposed in the civil compromise are completed by the

defendant within the time frames established by the order.

Section 9. State Lands. This local law will have no effect upon the Department of Environmental Conservation or Office of Parks, Recreation and Historic Preservation policies regarding ATV use on state land. ATV and LUV riders who trespass on state forests, including forest roads, or NYS Office of Parks, Recreation and Historic Preservation land (such as the Genesee Valley Greenway State Park), will be ticketed and prosecuted. This will include parking of such vehicles off the legal right-of-way of the public highway. Certain roads have been specifically excluded from ATV and LUV use to discourage such trespass.

Section 10. Severability. Should any section or provision of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions hereof.

Section 11. Effective Date. This Local Law shall become effective upon filing with the Secretary of State of the State of New York as provided by the Municipal Home Rule Law.