

## Chapter 94

### SNOWMOBILES

**[HISTORY: Adopted by the Town Board of the Town of Benton 4-12-1971 by L.L. No. 1-1971. Amendments noted where applicable.]**

#### **§ 94-1. Legislative intent.**

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

#### **§ 94-2. Legislative authority.**

This chapter is enacted pursuant to the provisions of Article 8 of the Conservation Law, as enacted by Chapter 459 of the Laws of 1970.<sup>1</sup>

#### **§ 94-3. Title.**

This chapter shall hereafter be known and cited as the "Town of Benton Snowmobile Local Law."

#### **§ 94-4. Definitions.**

- A. For the purpose of this chapter, the definition of words, phrases and terms adopted by § 8-0105 of the Conservation Law<sup>2</sup> or by rules and regulations of the Office of Parks and Recreation supplemental thereto are incorporated herein.
- B. As used in this chapter, the following term shall have the meaning indicated:

TOWN — The Town of Benton.

#### **§ 94-5. Operation of snowmobiles on town highways.**

- A. Snowmobile travel and operation on the shoulders of all town highways is hereby permitted subject to the rules, restrictions and conditions set forth herein.
- B. In addition to snowmobile travel and operation on the shoulders of town highways, a snowmobile may be operated on the roadway or inside bank of town highways whenever the shoulders, slopes or areas outside the guard rails or on the back side of the snow

---

1. Editor's Note: Former Article 8 of the Conservation Law was repealed by L. 1972, c. 661, § 50. See now Parks, Recreation and Historic Preservation Law § 21.01 et seq.

2. Editor's Note: Former § 8-0105 of the Conservation Law was repealed by L. 1972, c. 661, § 50. See now Parks, Recreation and Historic Preservation Law § 21.05.

embankments are nonexistent or impassable, provided that such travel and operation can be made without endangering or interfering with other vehicular traffic.

- C. No person shall operate a snowmobile within the town highway right-of-way, including roadway, shoulders, banks and slopes thereof, except on the right side of the center line of the roadway and in the same direction as the highway traffic or the nearest lane of the roadway adjacent thereto.

**§ 94-6. Conditions and restrictions on snowmobile operation.**

Whenever the operation of a snowmobile is permitted on any town highway as herein provided, the following conditions and restrictions are hereby established and shall be applicable to all such snowmobile operation:

- A. No snowmobile shall be operated on any lands owned or occupied by the town, except town highways.
- B. It shall be unlawful to operate a snowmobile on any town highway at a rate of speed greater than reasonable or proper under the surrounding circumstances, and all other registered motor vehicles shall have the right-of-way over snowmobiles.
- C. It shall be unlawful to operate snowmobiles on any town highways between the hours 1:00 a.m. and 7:00 a.m.
- D. It shall be unlawful to operate a snowmobile in any manner which creates a loud or unnecessary or unusual noise which disturbs or interferes with the peace and quiet of other persons or in any other manner which constitutes a public nuisance or a noise, injures or endangers the health, safety, comfort or repose of the public. No person shall use a muffler cut-out, bypass or any other device to defeat the operation of a muffler in good working condition.
- E. It shall be unlawful for any person less than 16 years of age to operate a snowmobile on any town highway, except to the extent and in the manner otherwise permitted by the Conservation Law in respect to a snowmobile crossing a highway.
- F. It shall be unlawful for any person to operate a snowmobile on any town highway unless such person is insured against public liability in an amount not less than \$10,000 per person and \$20,000 per accident for bodily injury and not less than \$5,000 per accident for property damage. Such person must carry with him proof of such financial responsibility in said amounts, such as a certificate of liability insurance of the type required of owners and operators of motor vehicles by the Vehicle and Traffic Law of the State of New York. Such proof shall be displayed by the operator of any snowmobile, upon request, to have suffered either personal injury or damage to property as a result of the operation of such snowmobile.

**§ 94-7. Penalties for offenses.**

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 \$5 nor more than \$100, or one to five days in jail, or both, for each violation.