

**TOWN of WELLS
LOCAL LAW NO. 1 OF THE YEAR 2008**

A Local Law entitled: Amending Local Law 1-2002 Designation of Town Roads in the Town of Wells for ATV Use” to include East Rd. in the Town of Wells.

BE IT ENACTED: by the Wells Town Board as follows:

Section 1. This Local Law shall be entitled: “Amending Local Law 1-2002 Designation of Town Roads in the Town of Wells for ATV Use” to include East Rd. in the Town of Wells.

Section 2. Legislative intent and purpose:

It is the purpose of this Local Law to promote the safe and proper use of ATV’s for recreation in the Town of Wells, to minimize detrimental effects of such use upon the environment, and to designate appropriate public lands for ATV use, and to comply with Article 48-C of the Vehicle Traffic Law, Section 2405.

Section 3. Definitions.

The terms, words and phrases used in this Local Law shall have the same meaning as such terms, words and phrases as defined in Section 2401 of the Vehicle Traffic Law, Article 48-C.

Section 4. Designation of Streets or Highways

(1) Streets or highways, including bridge and culvert crossings, or portions thereof as open for travel by ATVs when in the determination of the governmental agency concerned, it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway. Only the following highways of the Town are hereby designated for the purpose of operation of ATVs as authorized by Section 2405 (1) of the Vehicle Traffic Law, Article 48-C:

Katherine St.	Luella Rd.
Pumpkin Hollow Rd.	Buttermilk Hill Rd.
Windfall Rd.	West River Rd.
Black Bridge Rd.	Ranger Rd.
Gilmantown Rd.	Irish Lane
Abrams Rd.	Karuth Rd.
Sunset Circle Rd.	Dorr Rd.
Route 8A	Route 8B
Teachout Rd.	Brussell Street Rd.
East Rd.	

(2) Except as provided in subdivision (1) of this Section, operation of ATV’s on any other public parks and places of the Town is hereby expressly prohibited.

SECTION 5. Conditions and Restrictions.

Whenever the operation of an ATV is permitted on the roadway of any Town street or highway or portion thereof as provided in this Local Law or public lands of the Town, the following conditions and restrictions are hereby imposed to all such ATV operations:

(1) Liability Insurance.

It shall be unlawful for any person to operate an ATV on any public lands or places of the Town unless the owner or operator of such ATV is insured against public liability and carries with him proof of financial responsibility in the manner prescribed by Section 2407 of Vehicle Traffic, Law Article 48-C and of the minimum amount as provided in such Section. Such proof shall be displayed by the owner or operator of any ATV upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or damage to property as a result of the operation of such ATV by any such owner or operator.

(2) Obedience to Vehicular Traffic Controls.

Each person operating an ATV on any Town Highway shall observe strictly all vehicular traffic signs and signals and all other rules and regulations applicable to vehicular traffic and shall obey the orders and directions of any state or local police or other law enforcement officer authorized to direct or regulate traffic.

Section 6. Separability.

If any phrase, clause, sentence, paragraph, subdivision or section of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such portion of this Local Law shall be deemed separate and distinct from the remainder of this Local Law and such judgement shall not affect the validity of the remaining provisions of this Local Law.

Section 7. Effective Date.

This Local Law shall take effect immediately upon its filing in accordance with the provisions of Section 27 of the Municipal Home Rule Law provided, however, that no ATV shall be operated under the provisions hereof until such time as the signs and markers are installed or constructed in accordance with Article 48-C of the Vehicle Traffic Law and the rules and regulations of the New York State Department of Transportation.

Mari Wilson
Wells Town Clerk

Adopted by Board: July 14, 2008