

Village of Elba Local Law (2) of 2024-25

Local Law Dealing with – Off Road Vehicles

Law Intent.

The intent of this chapter is to control the recreational use of off-highway vehicles as defined herein in order to prevent injury to persons and damage to property, to protect the rights of the residents of the Village of Elba to the peaceful enjoyment of their properties, and further generally to promote the health, safety and welfare of the residents of the Village of Elba.

Words and Definitions.

OFF-HIGHWAY VEHICLE

Any vehicle propelled by other than muscular power, including but not limited to snowmobiles; two-wheeled motor vehicles known as trail bikes, minibikes, and motor scooters; three-wheeled motor vehicles known as all-terrain cycles; and four-wheeled motor vehicles known as go-carts, golf carts or all-terrain vehicles, excluding the following: farm vehicles, lawn and garden tractors and other similar equipment that are being used for property upkeep and maintenance and not for recreational use and also excluding vehicles owned or operated by any municipal corporation, police agency or fire department.

OPERATOR

Every person who operates or is in actual possession or physical control of an off-highway vehicle.

PERSON

Any individual, partnership, corporation, association, or anybody of persons, whether incorporated or not.

POLICE AGENCY

Any public police or public law enforcement agency, whether federal, state, or municipal.

PRIVATE PROPERTY

All other property in the Village of Elba that is not public property as defined herein.

PUBLIC PROPERTY

All streets, sidewalks, easements, or any other areas dedicated or commonly used by the public in the Village of Elba.

VILLAGE

The Village of Elba, Genesee County, New York.

- **Operation on public property.**
- It shall be unlawful for any person to ride, operate, maneuver, or place any off-highway vehicle upon public property.
- **Operation on private property.**
 - A. It shall be unlawful for any person to ride, operate, maneuver, park or place any off-highway vehicle on property not owned or leased by him or by a parent, brother, sister, or child of his without the express written consent of the owner or one of the owners of said property.
 - B. Any written consent required by Subsection A above shall be deemed void and of no effect unless it is signed by the owner or his authorized representative and dated within six months. Said written consent shall further be deemed void and of no effect if it has been revoked by the owner or his authorized representative. Said written consent shall be subject to any terms and conditions the owner or his authorized agent shall deem appropriate.
 - C. An owner or his authorized agent may revoke any written consent granted pursuant to this section by:
 - **(1)** Orally communicating said revocation directly to the person previously granted said consent.

(2)

Personally, delivering to said person a written statement revoking the written consent; or

(3)

Mailing a written statement revoking said consent to the last known residence or business address of the person previously granted said written consent by regular first-class mail and delivering a copy of said written revocation to the Village Clerk/Treasurer.

D. Where written consent is required pursuant to this section, a copy of the written consent conforming to the provisions of this section shall be carried on the person of each operator of the off-highway vehicle and shall be produced for inspection upon the request of any peace officer or police officer.

E. The provisions of this section shall not apply to off-highway vehicles if:

(1) That are being used for agricultural purposes or for the upkeep and maintenance of real property.

(2) When used for such purposes, said vehicle or vehicles are operated at a speed of 10 miles per hour or less; and

(3) Said vehicles are not operated in violation of any other applicable laws, ordinances, rules or regulations.

Responsibility of parents and guardians.

It shall be unlawful for the parent, guardian or any person having the care, custody, and control of any child under the age of 16 years knowingly to permit such child to operate an off-highway vehicle in violation of the terms of this chapter.

Impoundment or confiscation of vehicles.

A.

The peace officer or police officer shall immediately impound any off-highway vehicle that is operated in violation of any section or sections of this chapter. The off-highway vehicle shall be returned to the owner upon payment of expenses and charges necessarily or actually incurred for the impoundment of said vehicle and payment of any fine that may be imposed by the court for said violation, or upon direction of the court.

B.

In the case of a second or subsequent violation by the same person, the court may order the confiscation of said vehicle in lieu of any fine and/or imprisonment. Any vehicle which is confiscated pursuant to this section will be sold at public auction according to the appropriate procedures and law affecting public auctions by municipalities.

Penalties for offenses.

Any person, or parent, as defined in Local Law (2) of 2024 above, who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.