

Chapter 118

For this chapter, the following terms shall have the meanings indicated:

OFF-ROAD VEHICLES

All-terrain vehicles (sometimes known as "ATVs") as that term is defined in § 2281, Subdivision 1, of the New York State Vehicle and Traffic Law, off-highway motorcycles as that term is defined in § 125-a of the New York State Vehicle and Traffic Law, motocross or dirt bikes, dune buggies, go-carts and any and all other types of motorized trail bikes or vehicles that are manufactured for sale or operation primarily on off-highway trails or for off-highway competitions and are only incidentally operated on public highways. Nothing contained herein, however, shall be deemed to apply to or prohibit the use of bicycles.

OPERATE

To ride in or on, other than as a passenger, or use or control the operation of, an off-road vehicle in any manner, whether said off-road vehicle is underway.

PUBLIC HIGHWAY

Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

§ 118-2 Restrictions.

A.

Public property. No person shall operate an off-road vehicle on a public highway or on any public property in the Village of Menands.

B.

Private property. No person shall operate an off-road vehicle off a public highway on private property in the Village of Menands unless such person has first obtained the express consent of the owner or occupant of such property to operate the off-road vehicle on the property. There shall be a rebuttable presumption that the operator of an off-road vehicle on private property in the Village of Menands lacks consent to operate the off-road vehicle on private property.

§ 118-3 Penalties for offenses; impoundment and redemption.

A.

Any person who operates an off-road vehicle in violation of § **118-2A** or **B** of this chapter shall be guilty of an offense punishable by a fine not to exceed \$1000 or imprisonment not to exceed 15 days, or both.

B.

In addition to the penalties set forth in Subsection **A** of this section, a police officer may immediately impound an off-road vehicle that has been operated in violation of § **118-2A** or **B** of this chapter. Such impounded off-road vehicle shall be stored by the pertinent Police Department or enforcement agency pending the identification of the owner of such off-road vehicle as registered with the New York State Department of Motor Vehicles. Such title owner shall be sent notice of such impoundment at the address on file with the New York State Department of Motor Vehicles by certified mail within five days after the impoundment. Neither the Police Department impounding such off-road vehicle, nor the Village of Menands, nor any agent or employee thereof, shall be liable for any damages arising out of the

provision of an erroneous name or address of such owner. The owner of the off-road vehicle operated in violation of § **118-2A** or **B** of this chapter may redeem such off-road vehicle upon satisfactory proof of ownership and payment of a redemption fee of \$2,000. Any off-road vehicle impounded under this subsection shall only be released to the owner of such off-road vehicle, or to such owner's agent as evidenced by a written, notarized proof of agency, or duly executed power of attorney.

§ 118-4 **Enforcement.**

The Chief of Police is charged with the enforcement of the provisions of this chapter.

§ 118-5 **Severability.**

If any clause, sentence, paragraph or part of this chapter or application thereof to any person or circumstances shall be judged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons or circumstances directly involved in the controversy in which the judgment shall have been rendered.