

Snowmobiling in the Tug Hill Region and Lewis County

Opportunities for New York State and Tug Hill

May 2000

TUG HILL COMMISSION ISSUE PAPER SERIES

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The Tug Hill Commission *Technical and Issue Paper Series* are designed to help local officials and citizens in the Tug Hill region and other rural parts of New York State. The *Technical Paper Series* provides guidance on procedures based on questions frequently received by the Commission. The *Issue Paper Series* provides background on key issues facing the region without taking advocacy positions. Other papers in each series are available from the Tug Hill Commission at the address and phone number on the cover.

Introduction

Snowmobiling as a sport and as an industry continues to grow in New York State. As it grows, many volunteer clubs, local governments, and rural residents living near trails are increasingly forced to deal with problems associated with sport rather than the potential opportunities. To maximize the benefit and minimize the problems related to snowmobiling, additional investments are needed in New York State's snowmobile system.

This paper suggests that opportunities related to snowmobiling can be seized and problems reduced by 1) improving existing trail systems, and 2) implementing consistent enforcement standards. Increasing revenues to the New York State snowmobile trail fund through higher snowmobile registration fees could help fund these two actions.

Ours To Lose Or Gain: \$300 Million Today With Potential For More

Snowmobiling is growing in popularity and economic impact, especially in areas of the United States and Canada that experience consistent snowfall throughout the winter season. Three separate studies conducted over the last several years' point the value of this industry to the New York State economy.

In Lewis County, which straddles Tug Hill and the Adirondacks, snowmobile-related gross receipts totaled \$4,300,000 as estimated in a 1994 study funded by the Urban Development Corporation. Multiplying that conservative estimate by a factor that accounts for those dollars being spent again in Lewis County raises the figure to \$5,300,000; and this is before a host of other economic benefits are added to the equation. For example, Lewis County also realized an Additional \$675,000 from the sale of second homes to snowmobilers. The study found that approximately 47 businesses and 350 jobs rely heavily on snowmobiling for their existence.

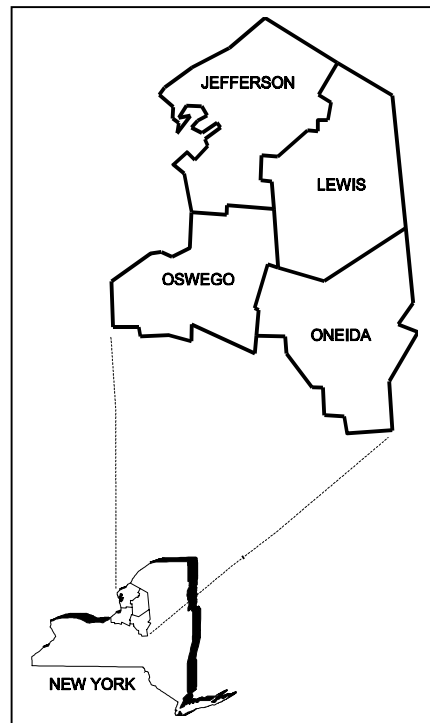


Figure 1

Oswego County recently conducted its own study on snowmobiling, also funded by New York State through Empire State Development. This 1999 report documented that \$18 million in direct spending could be attributed to Oswego County's snowmobiling industry, with a total economic impact of \$20 million.

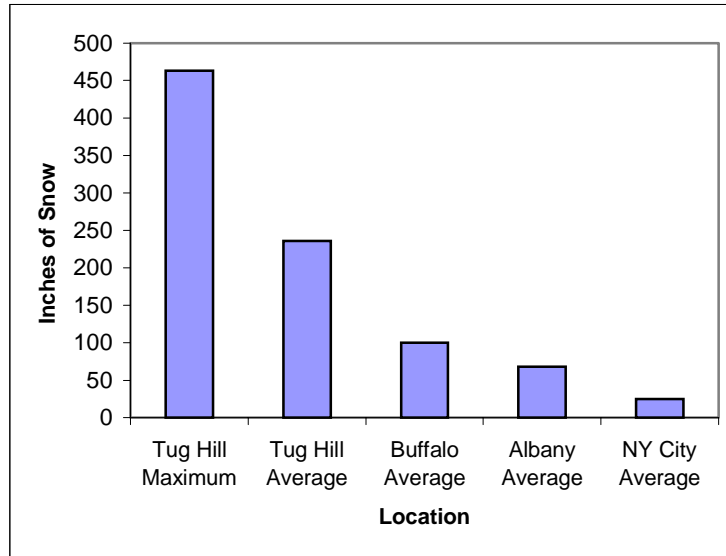


Figure 2

Figures 1 & 2: The Tug Hill region includes portions of Jefferson, Lewis, Oneida, and Oswego Counties, and receives the heaviest snowfall east of the Rockies, averaging 20 feet annually in the center of the region. Chart shows snowfall in inches.

Snowmobiling has a significant statewide impact. One snowmobiling expert, in a 1996 editorial in *On The Trail* magazine, extrapolated figures from the Lewis County analysis to estimate an annual statewide economic impact of \$300 million. This estimate was proven to be conservative when the Merwin Rural Services Institute at SUNY Potsdam released its 1998 report estimating that total direct spending in the New York State snowmobile industry was \$238.1 million. Using a conservative multiplier of two, total economic impact was estimated at \$476.2 million.

New York plays a lesser role in fostering snowmobiling in the state compared to neighboring snow areas. For instance, immediately north of New York State is Quebec, Canada, where tourism officials report that the province's aggressive development actions have resulted in an estimated economic benefit of \$1 billion last year. Quebec's program is so effective that the 1996-97 snowmobiling season attracted 14,000 visitors from Europe and they project that number will grow to 20,000 for the 1997-98 season. The province is also expecting significant growth from the Asian market.

Despite the incredible current and potential economic benefit of snowmobiling, especially to the rural communities of northern New York, most of what the public hears

about snowmobiling today is problems. Speeding and Driving While Intoxicated (DWI) have been the focus of recent media coverage, including a series of national radio stories on problems in Michigan and neighboring states. Fortunately, the very actions that can limit these problems are the ones that can increase the economic benefit to come from snowmobiling.

Increasing New York State's investment in snowmobile trail systems, volunteer snowmobile clubs, and local governments who are the de facto managers of that system could help create a world class product that would significantly increase the economic benefit to the state. This investment would simultaneously allow the state to reduce some of the negative impacts associated with the sport.

New York State is at a crucial point in the development of its snowmobiling industry. State government can either watch problems erode the sport and economic benefits or take action to help reduce many of the problems while increasing economic growth.

How the Current System Works...And Doesn't

Like most areas, New York's snowmobile system exists largely as the result of volunteer action but with an overlay of state and local government involvement. The system today operates as follows:

1. The state collects a registration fee, part of which is used to reimburse a portion of local trail maintenance costs incurred by volunteers in local snowmobile clubs. A state snowmobile trail plan offers general guidance in establishing major trails.
2. Snowmobile club volunteers establish and maintain trails, with a portion of their direct costs reimbursed from the state fund.
3. Local Law enforcement agencies receive partial reimbursement for their efforts to control snowmobiling. This money also comes from the snowmobile registration fees.

The heavy snows that make Tug Hill and northern New York a snowmobiling Mecca also create challenges in grooming trails so that they are safe and in good enough condition encourage riders to stay on the trails and off the roads. More frequent grooming means greater expense, but expense that goes beyond the capability of the state fund. On average, clubs in the Tug Hill area are reimbursed for 1/3 of their actual costs.

The State fund is the most likely source for meeting trail maintenance needs. Local fees are precluded as a source of additional revenue due to the number of jurisdictions crossed in a typical ride and limitations in state law. With powerful, fast machines being

produced that can travel a hundred or more miles in a day, locally managed trail systems such as the one in Old Forge, are likely to be the exception and not the rule.

When Lewis County studied how it might establish a county trail system in their 1994 snowmobile study, it concluded a fee system to be impractical since state law prohibits reimbursement from the trail fund where a fee is collected. Further, if a fee is collected for trail use, New York State General Obligations Law that provides some protection for landowners does not apply.

Increased State Fee, More Enforcement, and Securing the System are Key

Increasing the state registration fee is the first step in creating a safer trail system that could compete with neighboring systems. Increasing funding for trail grooming will produce better quality trails that will encourage sledders to stay off the roads and on the trails where they belong. In addition, increased registration fees must also be used to finance better local enforcement and education to limit speed, DWI, and other abuses. If we do not provide good enforcement, abuse to the trails will continue, the inordinate jeopardy to life and personal property will persist, and the small number of snowmobilers who cause problems will force responsible snowmobilers to sled elsewhere.

Law enforcement can be strengthened through coordinated local laws developed on a regional basis or through new provisions in state law on items such as maximum speed limits and DWI. A coordinated approach is now being attempted in the Tug Hill region through the distribution of a model local law (see attached). However, without more financial assistance to the law enforcement effort, problems will continue to persist even with local laws in place.

Development pressures could threaten essential trails as more snowmobilers and other visitors buy vacation homes or camps in rural communities. Today, even an essential trail, created through numerous landowner agreements, incredible hours of volunteer work, and significant investment in materials, can be lost in an instant if one landowner chooses to shut off these lands. The whole trail system will remain subject to such loss without some means of instituting long-term agreements with landowners.

Some land owner incentive needs to be provided to assist snowmobile clubs in obtaining recreational trail easements that will guarantee the integrity of the system. Property tax relief for participating landowners must be explored as a possible incentive. Corresponding loss in local government revenues should be offset by some financial assistance from the trail fund or state.

Key Groups in New York State Snowmobiling

The New York State Snowmobile Association (NYSSA) represents snowmobilers and 182 snowmobile clubs from around the state. The Association officially supports a \$20 increase in the registration fee (from \$15 to \$35).

The Snowmobile Advisory Council is an appointed committee of the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) that meets irregularly. The advisory council has passed a resolution supporting the need to increase trail system funding.

Local government as well as small business tends to be under represented by both NYSSA and the Council. There is a lack of representation by both groups to recognize the potential role of local government in dealing with snowmobiling problems and as managers of the system in some way. Local governments are often the focal point for nuisance complaints associated with the sport and are in a position to regulate any operation of snowmobiles on town or village roads.

Current Activity

A general proposal is being advanced by NYSSA for an increase in the New York snowmobile registration fee from \$15 to \$35. The revenues generated by the increase will be dedicated to addressing most of the issues mentioned in this paper, including increased funding for law enforcement. While \$35 is a start, it may not prove to be enough in the long run to make a significant difference.

Currently, Vermont charges \$50 and requires membership in a local club, which costs another \$10. Maine and New Brunswick's registration fees are set at \$60 and Ontario charges \$110 for a non-resident trail permit. With more to invest, these other areas are able to do much more for their trail networks.

Sampling of Annual Resident and Non-Resident Registration Fees - 1995

	Snowmobile Registration Fees	Resident	Non-Resident
Maine	\$20	Included	\$60
Massachusetts	\$30 / 2 years		\$15
Michigan	\$15 / 3 years	\$10	\$10
Minnesota	\$30 / 3 years		\$10
New Brunswick	\$65 to December 15, \$90 after		\$90

New Hampshire	\$25	Included	\$29
New York	\$15	Included	\$25
Old Forge/Inlet			\$95
Ontario	\$25 – initial registration	\$85 to December 1, \$110 after	\$110
Pennsylvania	\$13	Included	\$13
Quebec	\$75	\$125	\$125
Vermont	\$20	\$25	\$50
Wisconsin	\$20 / 2 years	Included	\$10 (no fee if registered in another state)

Many states and provinces add to their investment in snowmobile trails through revenues other than just registration fees. Trail permit fees, gas taxes, and direct appropriations by states can substantially increase the opportunity for investment in trail systems. These investments can create world class products and significant economic benefit, and at the same time help reduce problems through quality, well-marked trails, good enforcement, coordinated mapping, and improved communications.

It should be noted that the new aid formula as will be presented by NYSSA, will allow for some differential treatment of the heavy use areas like the Tug Hill Plateau and Adirondacks. Heavier snowfall areas would receive a higher per mile reimbursement to reflect their higher maintenance costs. The Association is also proposing that a club membership be required of all snowmobilers, thus pumping much needed additional money into communication, education, and safety programs sponsored by clubs.

If the state is interested in seeing this industry grow because of its obvious economic benefits, more emphasis has to be placed on management of the opportunity--whether it be done locally, regionally, on a statewide basis, or collectively.

Detail on Key Issues

Trail Maintenance and Fees - New York's snowmobile trail system depends almost entirely on the volunteer efforts of club members, which is partially supplemented through the state's grant-in-aid program. Revenues for the grant-in-aid program are raised through registration fees levied on snowmobiles in the state. The current registration fee is \$15. Of this amount, \$5 stays with the Department of Motor Vehicles and the remaining amount is used to capitalize the trail fund administered by NYS OPRHP.

Clubs in the Tug Hill Region and throughout the state currently receive approximately \$160 per mile for corridor or principal trails. The difference is raised through long hours of volunteer labor and fundraising. The 1999 Oswego County snowmobile study, referenced early, estimated club trail maintenance costs to run \$400 to \$500 per mile. A 1999 survey tabulated by the Tug Hill Commission concluded the average cash trail maintenance cost for clubs in the Tug Hill area to be \$395 per mile. Including the in-kind value of volunteer labor (to operate and maintain groomers) bring that cost up to \$586 per mile.

With the increased popularity of the sport, clubs are not able to keep up with grooming demands, never mind provide the type of groomed trails that can compete with other snowmobiling destinations. At one time, communities in the region discussed the possibility of collecting their own fee and learned, in doing so, they would no longer be eligible for the grant-in-aid program. Old Forge, for example, collects its own fee and does not receive any assistance from the trail maintenance fund. It appears that they are able to do so because of the relatively small size of their network.

Corridor Trail System – In addition, there appears to be a need for greater coordination in the development of a corridor trail system. Such a system could move traffic to and from those regions that are particularly impacted by the large numbers of sledders drawn by the heavy snowfalls.

Law Enforcement – Law enforcement activities related to snowmobiling are eligible for some reimbursement from the State's trail fund. Currently, only 50% of total eligible expenses, which cannot exceed \$25,000 for an entire county, are reimbursable. For example, if a county had \$100,000 of documented law enforcement expenses related to snowmobiling, it would only be eligible for \$12,500 of actual financial assistance (50% of \$25,000 cap). Given the expense of the system and number of recreational sledders that we are dealing with, this amount is no more than token. Further, the 50% maximum are dependent on funds being available. With the cost of training a police officer being as high as it is, it is virtually impossible for a small county to assign additional personnel to this burgeoning industry without more financial help. The proposal to increase the snowmobile registration fee includes raising the reimbursement for law enforcement up to 75% of eligible expenses.

Speeding has become a life-threatening problem. With no statewide speed limit, communities are hesitant to set their own limits. With no way to enforce speed limits or other standards against out of state violators, the problem grows.

Most penalties assigned to the sport are minimal and are typically paid by the violators as a "necessary expense". DWI had been one such offense. There

currently is no provision for a DWI offense to go onto an offender's license, though a new state law went into effect in November 1999 that increased fines and jail time for offenders. Local communities can adopt their own standards but again, they are difficult to enforce. The cost of staffing additional enforcement at the local level is prohibitive for most small rural communities. Also, with multiple communities all having different laws, region-wide enforcement becomes much more difficult.

Liability – The State’s General Obligations Law must be strengthened to provide private landowners with greater liability protection for permitting the use of private property that is essential to the trail system and so that snowmobile clubs are also afforded additional protection. In addition, providing for the recovery of defense costs associated with frivolous law suits brought against municipalities would provide them with greater protection and would encourage towns and villages to become more active in the development of this industry. It would also be an incentive for their insurance companies to fight these lawsuits rather than settle out-of-court.

Signage – The need for well-marked trails is both a safety and product quality issue. For local clubs and communities to effectively mark trail systems, some additional financial and technical assistance needs to be provided.

Registration for Visitors – Some provision needs to be made so that it is easier for weekend visitors to purchase the necessary registration forms from vendors other than the Department of State Motor Vehicles. Oswego County has started a system of deputizing certain commercial vendors so that they can sell temporary registrations on weekends and then file a formal application on behalf of the applicant during the regular workweek.

Local Initiatives – While state action is necessary if snowmobile registration fees are to be increased, much is already occurring at the county, town, and village level to try and reduce the problems associated with snowmobiling. The county planning departments throughout the Tug Hill region continue to work closely with snowmobile clubs in assisting with applications to the state trail fund and in mediating local issues and concerns. For example, the Tug Hill Commission in cooperation with Lewis County Planning Department drafted a model local law for communities to control snowmobiling activities. The purpose of the model local law is to encourage uniform controls across town lines to ease the enforcement burden on sheriffs and other law enforcement officials. Several communities are considering adopting the model law.

The Best Alternative: State Action that Supports Local Action

Local initiatives like those outlined above can ultimately help. However, in order for New York's rural communities, and ultimately the state, to reduce the problems and maximize the benefit of snowmobiling, additional investment needs to be made in the system. This additional investment could be financed through an increase in the state registration fee. All additional revenues should be fully passed on to address local trail development, maintenance (in keeping with the state snowmobile trail plan), and enforcement needs. Particular attention must be placed on securing the current system before it is lost as a resource for the state.

Appendix A

MODEL SNOWMOBILE MANAGEMENT LOCAL LAW

Prepared by the Tug Hill Commission and Lewis County Planning Department

October 31, 1996
Revised – September 3, 1997

This model is prepared as a guide. Communities should consult their municipal attorney before adopting.

Town/Village of _____
Local Law # _____ of _____

A local law regulating the use and operation of snowmobiles on public highways and public lands in the Town/Village of _____.

BE IT ENACTED by the Town/Village Board of the Town/Village of _____ as follows:

Section 1. Purpose

The purpose of this local law is to protect the public health, safety, and welfare by regulating the operation of snowmobiles on public highways and on public lands, which includes designated trails open to the public in the Town/Village of _____, so that all snowmobiles are operated in a manner which will be compatible with the use of such highways and public lands for vehicular and pedestrian travel and other uses, and which will promote the safe and proper use of snowmobiles for recreation and commerce and minimize detrimental effects of such use on the environment.

Section 2. Operation Generally Prohibited

It shall be unlawful, except as provided in Section 5 of this law, for any person to drive or operate any snowmobile on, over, or across any public highway or public trail. Further, for purposes of this law, it is hereby determined that outside banks and shoulders of all public roadways and highways are non-existent by reason of the fact that they are impassable due to normally prevailing snow conditions and terrain in the Town/Village of _____. *(Note: In order to close the outside banks the town/village will need documentation, which attests to their “impassability”. This information could come from the highway super-intendent. A community does have the option of not restricting travel on outside banks.)*

Section 3. Definitions

- 3.1 “Highway” shall mean the entire width between the boundary or right-of-way lines of any way or place when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic including all highways designated as seasonal limited use highways and minimum maintenance roads.
- 3.2 “Operate” shall mean to ride in or on, other than as a passenger, or use or control the operation of a snowmobile in any manner, whether or not said snowmobile is under way.
- 3.3 “Operator” shall mean every person who operates or is in actual physical control of a snowmobile.
- 3.4 “Owner” shall mean any person having title to a snowmobile. If a snowmobile is sold under a contract of conditional sale whereby the title remains in the vendor, such vendor or his assignee shall not, after delivery of such snowmobile, be deemed an owner within the provisions of this section, but the vendee or his assignee, upon receipt of possession thereof, shall be deemed such owner notwithstanding the terms of such contract, until the vendor or assignee shall retake possession. A person holding only a security interest in a snowmobile shall not be deemed an owner unless such person also has possession of such snowmobile.
- 3.5 “Snowmobile” shall mean a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.
- 3.6 “Snowmobile trail” shall mean a way designated as open to the public for snowmobiling.
- 3.7 “Special Event” shall mean an organized rally, race, exhibition or demonstration of limited duration, which is conducted according to a prearranged schedule and in which general public interest is maintained.

Section 4. Operation of Snowmobiles Generally

It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

- 4.1 Imprudent speed: At a rate of speed greater than reasonable or proper under the surrounding circumstances. *At no time shall the rate of speed exceed 55 mph.*
- 4.2 Reckless operation: In a careless, reckless or negligent manners so as to unreasonably endanger the person or property of another or to cause injury or damage thereto.

- 4.3 Intoxication and drugs: While in an intoxicated condition or under the influence of narcotics or drugs as defined by Section 114-a of the Vehicle and Traffic Law.
- 4.4 Lights:
- a. Between sunset and sunrise, or when lights are required for safety, without displaying at least one headlight and taillight.
 - b. Operating other than as an emergency vehicle and displaying one or more lighted red or combination red and white lights which are revolving, rotating, flashing, oscillating, or constantly moving.
- 4.5 Railroad tracks: On the tracks or right-of-way of an operating railroad.
- 4.6 Plantings: In any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto.
- 4.7 On the lands of another: On private property without the consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another in violation of this section shall stop and identify himself upon the request of the landowner, his duly authorized representative or lessee, and, if requested to do so by said landowner, representative or lessee, shall promptly remove said snowmobile from the premises.
- 4.8 Towing a sleigh, sled, or toboggan: Towing a sleigh, sled, or toboggan, by a snowmobile, unless attached by a rigid support, connection or towbar.
- 4.9 Failure to stop and yield: In any place at any time, failing to stop and yield to an authorized ambulance, civil defense or police snowmobile or police vehicle being operated as an emergency vehicle and approaching from any direction.
- 4.10 Failure and refusal to comply: In any place at any time, failing or refusing to comply with any lawful order or direction of any police officer or other person duly empowered to enforce all laws of the state relating to snowmobiles.
- 4.11 Speeding prohibited: Snowmobiles operating in the Town/Village shall under no circumstance exceed any posted speed limit when operating on any snowmobile trail or highway designated as open to snowmobiling in Section 5.5 of this law. In addition, snowmobiles shall always be operated at a speed, which is reasonable and proper under existing circumstances as determined by any peace or police officer.
- 4.12 Obedience to vehicular traffic controls: Each person operating a snowmobile on any town/village highway shall observe 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.

- 4.13 Hours of operation: No person shall operate a snowmobile within one hundred feet of a dwelling between twelve o'clock midnight and six o'clock A.M. at a speed greater than minimum required to maintain forward movement of the snowmobile. (Note: To make this more objective and thus more enforceable a community could add a particular speed limit here provided that if they do s they note that this act supersedes NYS Parks and Recreation Law Section 25.05.)

Section 5: Conditions of Operation

A snowmobile may be operated on the public highways and public lands in the Town/Village of _____ only under the following conditions:

- 5.1 Snowmobile trails: Snowmobiles may be operated on snowmobile trails open to the public as so designated under the Parks and Recreation Law of the State of New York, or as designated by the Town/Village board from time to time in a manner consistent with provisions of this law and all other county or state laws relating to the operation of snowmobiles. (*Note: A Community could require that maps be filed with the Town/Village board for any trails which are to open to the public. To cover those trails open to the public, which is not registered with the State, a community could say in this section that "Snowmobiles may be operated on all snowmobile trails open to the public".*)
- 5.2 Emergencies: Snowmobiles may be operated for the purpose of emergency travel only on all highways in the Town/Village of _____, during the period of time when and at locations where snow upon the highways renders travel by motor vehicles impractical as so declared and permitted by the chief executive officer of the Town/Village of _____, or when the specific travel for a specific purpose is authorized or directed by a peace or police officer or other duly recognized emergency personnel.
- 5.3 Highway crossings: Snowmobiles may be operated so as to take a direct crossing of a highway at any time of the day, provided that the crossing is made at an angle approximately 90 degrees to the direction of the highway, at a place where no obstruction prevents a quick and safe crossing, the snowmobile is brought to a complete stop before crossing the main traveled way of the highway, and the driver yields the right-of-way to all oncoming traffic.
- 5.4 Culverts and bridges: Snowmobiles may be operated on highways when necessary to cross a bridge or a culvert for a distance not to exceed 200 yards.
- 5.5 Highways open for snowmobiling: A snowmobile may be operated on those highways or sections of highways in the Town/Village of _____ as designated by resolution of the board. Such designations will be posted in the

village clerks office and published in the official paper of the Town/Village. Such resolution shall be adopted prior to August 1 each year when necessary to open highways to snowmobiling or to change the status of highways previously opened to snowmobiling. *(Note: publication is not required by statute; however the public should be informed in all possible ways re: changes.)*

(Designate all highways, or sections of highways, which the community wishes to have opened to snowmobiles. Include all seasonal limited use highways that the community wishes to have open in addition to all sections of highways which need to be open for trail head access. If the town/village has decided to take the approach of closing all outside banks, they could designate certain ones as open in the resolution.)

5.6 Special events: Snowmobiles may be operated at special events in a manner consistent with this local law, or in a manner as defined in Parks, Recreation, and Historic Preservation Law and upon authorization by the New York State Commissioner of Parks, Recreation, and Historic Preservation.

Section 6: Financial Responsibility

No snowmobile shall be operated on a highway or public lands which includes snowmobile trails designated as open to the public in the Town/Village of _____ unless the owner of such snowmobile has secured a policy of insurance affording coverage against liability imposed by law for bodily injury or death, and for property damage, to at least the minimum limits as required by the provisions of Section 25.13 of the Parks, Recreation, and Historic Preservation Law of the State of New York and regulations promulgated thereunder.

The owner of a snowmobile shall maintain proof of financial security by means of a certificate of insurance indicating compliance with the minimum coverage requirements of this section. The failure to produce such certificate of insurance, when required to do so, upon the demand of a magistrate, police officer, or state policeman while such vehicle is being operated on any highway (including trail designated as open to the public) in the Town/Village of _____ shall be presumptive evidence of operating a snowmobile without securing such policy of insurance. Upon the production of such certificate of insurance, the presumption is removed.

This section specifically supersedes those provisions of Section 25.13(1) of New York State Parks and Recreation Law by requiring liability insurance for operation on trails and outside banks.

Section 7: Operation by Youthful Operators

7.1 Age of Operator

- (a) No person under the age of ten years shall operate a snowmobile except upon lands owned or leased by his/her parent or guardian, unless (s)he is accompanied by a person over eighteen years of age or a person over fourteen years of age who holds a snowmobile safety certificate as issued by the Commissioner of the New York State Office of Parks, Recreation, and Historic Preservation. "Leased lands" as herein used shall not include lands leased by an organization of which said operator or his/her parent or guardian is a member.
- (b) A person under ten years of age may operate a snowmobile when accompanied by a person specified in paragraph (a) on trails or highways designated for snowmobile use by the Town/Village of _____ . A person under ten years of age shall not operate a snowmobile elsewhere on or across a highway at any time.
- (c) A person who is at least ten years of age but who has not attained his/her sixteenth birthday shall have the same right of operation as a person under ten years of age, except as provided in subdivision 7.2.

7.2 Snowmobile safety certificate: A person ten years of age but less than sixteen years of age who has received safety training as prescribed by the Commissioner of the New York State Office of Parks, Recreation, and Historic Preservation and has received the appropriate snowmobile safety certificate issued by said Commissioner may operate a snowmobile in the same manner as a person who is sixteen years of age or older.

7.3 Exhibition of certificate: The failure of such a youthful operator to exhibit a snowmobile safety certificate upon demand to any magistrate or any other officer having authority to enforce the provisions of this article shall not be an offense, but shall be presumptive evidence that such person is not the holder of such certificate.

7.4 No owner of a snowmobile shall authorize or permit the operation thereof within the state by any person in violation of the provisions of this section.

(This section is taken directly from Section 25.19 of Parks and Recreation Law. If a community decides to implement a stricter provision in this regard, they must state that the stricter provisions superseded Section 25.19 of Parks and Recreation Law.)

Section 8: Violation

In addition to any penalty contained in any other provisions of law, any person who shall violate any provision of this local law shall be guilty of a violation and shall be punished by a fine of not more than Two Hundred and Fifty Dollars (\$250.00) and or fifteen days in jail. *(A community could have an escalating fine for second or third violations committed within a specified period of time.)*

A notice of violation may be issued by any State Police Officer, County Sheriff, Town/Village police officer or constable, conservation officer, parks and recreation officer, or by any other law enforcement official or other person so designated by the Town/Village Board of _____. Such authorized individual may initiate a violation by service of an appearance ticket.

Section 9: Severability

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 10: Liability for Negligence

Negligence in the use or operation of a snowmobile shall be attributed to the owner. Every owner of a snowmobile used or operated in the Town/Village of _____ or in this state shall be liable and responsible for death or injury to a person or damage to property resulting from negligence in the use or operation of such snowmobile by any person using or operating the same with the permission, express or implied, of such owner, provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

Section 11: Prior Notice

11.1 With respect to injuries arising from the operation of snowmobiles, no civil action shall be maintained against the Town/Village of _____ or an officer thereof in charge of highway supervision and maintenance, for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous, or obstructed, unless prior written notice of such defective, unsafe, dangerous, or obstructed condition on such highway, bridge, or culvert was actually given to the municipal agent, officer, or employee authorized by Section 311 of the Civil Practice Law and Rules to receive service or to the chief municipal officer in charge of highway supervision and maintenance, and there was a failure or neglect within a reasonable time thereafter to repair or remove the defect, danger, or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely due to conditions caused by snow and/or ice removal, or the non-removal thereof, from highways designated as open to snowmobiles in the Town/Village of _____.

11.2 The municipal officer in charge of highway supervision and maintenance and any other municipal agent, officer, or employee designated to received service of

process shall transmit in writing to the clerk of the municipal body involved within twenty-four (24) hours or as soon as practical after the receipt thereof, all written notices received by him pursuant to this section.

11.3 This section is included to clarify the application of section 71-b of General Municipal Law in the Town/Village of _____.

Section 12: 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 of the State of New York.