



STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12225

JOHN J. GHEZZI
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DEPUTY SECRETARY
EDWARD L. WARREN
DEPUTY SECRETARY
JACK R. MURATORI
DEPUTY SECRETARY - COUNSEL
MAURICE FLASTERSTEIN
ADMINISTRATIVE DIRECTOR

March 26, 1971

Mr. R. S. Murphy
Town Clerk
Dundee, New York 14837

Dear Sir:

Please be advised that Local Law No. 1
of 1971 of the Town of Starkey
was received and filed on March 26, 1971.

We enclose herewith additional forms for the filing of
local laws for your future use.

Very truly yours,

JOHN P. LOMENZO
Secretary of State

By:

A handwritten signature in black ink, appearing to read "Thomas W. Wallace".

Thomas W. Wallace
Deputy Secretary of State
Election and Law Bureau

cc: State Comptroller
Division of Municipal Affairs

P.S. We are returning to you form from the Department of Labor which
was enclosed with your local law.



STATE OF NEW YORK
DEPARTMENT OF AUDIT AND CONTROL
ALBANY

ARTHUR LEVITT
STATE COMPTROLLER

IN REPLYING REFER TO

April 5, 1971

Mr. R.S. Murphy
Town Clerk
Dundee, New York 14837

Dear Sir:

I hereby acknowledge receipt as of 3/18/71
of certified copy of Local Law No. 1
of 1971 for the Town of Starkey
which copy is being filed in this office.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kendall R. Pirro".

Kendall R. Pirro
Senior Attorney

KRP: aj

TOWN OF STARKEY, YATES COUNTY, NEW YORK

LOCAL LAW NO. 1

1971

LOCAL LAW of the Town of Starkey to provide for regulation of the operation of snowmobiles on Town Highways and other Town lands.

BE IT ENACTED by the Town Board of the Town of Starkey as Follows:

Section 1. Legislative Intent.

The purpose of this Local Law is to protect the public health, welfare and safety by regulating the operation of snowmobiles on Town Highways within the Town of Starkey 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.

Section 2. Legislative Authority.

This Local Law is enacted pursuant to the provisions of Article 8 of the Conservation Law, as enacted by Chapter 459 of the Laws of 1970.

Section 3. Short Title.

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

Section 4. Definitions.

For the purpose of this Local Law the definition of works, phrases and terms adopted by Section 8-0105 of the Conservation Law or by rules and regulations of the Office of Parks and Recreation supplemental thereto are incorporated herein.

Wherever the word "Town" is used herein reference shall be to the Town of Starkey.

Section 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 embankments are non-existent 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.

Section 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 Highway between the hours of 1:00 a.m. and 7:00 a.m.

D. It shall be unlawful to operate a snowmobile in any manner which creates loud, 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, repose of the public. No person shall use a muffler cut-out, by-pass 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 sixteen (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 Ten Thousand Dollars (\$10,000.00) per person and Twenty Thousand Dollars (\$20,000.00) per accident for bodily injury and not less than Five Thousand Dollars (\$5,000.00) 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 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 snowmobile.

Section 7. Violations.

Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be liable to a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), or one (1) to five (5) days in jail, or both, for each violation.

Section 8. Validity.

If any section, sub-section, paragraph, clause, sentence or phrase of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portion hereof.

Section 9. Effective date.

This Local Law shall be effective on the 15th day of March, 1971.

CERTIFICATE OF TOWN CLERK AS TO THE ADOPTION OF LOCAL LAW

I, ROBERT S. MURPHY, Town Clerk of the Town of Starkey, Yates County, New York, do hereby certify that the annexed Local Law No. 1 - 1971, known as the "Town of Starkey Snowmobile Local Law" was duly adopted by the Town Board of said township on the ~~31st~~ 31st day of March 1971 or twenty days after filing with the Secretary of State, whichever date may be later; that it was duly adopted after having been introduced before said Town Board on February 4, 1971 and after a public hearing was duly advertised on February 25, 1971 and March 4, 1971 and duly held before the said Town Board, March 11, 1971, and I further certify that the annexed Law No. 1 - 1971 is a true, complete and correct transcript of said law as adopted.

WITNESS my hand and the Town Seal of the Town of Starkey, Yates County, New York, this 15th day of March 1971.

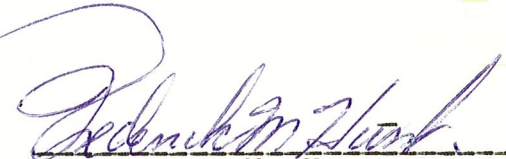

Robert S. Murphy, Town Clerk

CERTIFICATE OF TOWN ATTORNEY

I, FREDERICK M. HUNT, Town Attorney for the Town of Starkey, Yates County, New York, do hereby certify that the annexed certified copy of Local Law No. 1 - 1971, Town of Starkey, Yates County, New York, is a true, accurate and complete transcript of the original law as adopted by said township and that I have compared the same; that such local law was duly introduced before the said Town Board of the Town of Starkey February 4, 1971 at a regular meeting thereof; that a resolution calling for a public hearing thereof was duly adopted; that such public hearing to be held before the Town Board was duly advertised in the only local newspaper of general circulation within the township on February 25 and March 4, 1971 and such public hearing was duly held March 11, 1971; that subsequent to such public hearing said Local Law was duly adopted unanimously by said Town Board.

It is further the opinion of the undersigned that said Local Law No. 1 - 1971 is subject to neither mandatory or permissive referendum and that all proper proceedings have ~~been~~ been taken and fully complied with in the adoption of such local law.

Dated: March 15, 1971


Frederick M. Hunt
Town Attorney