# CHAPTER 259

# RECREATIONAL MOTORIZED VEHICLES, ELECTRIC BICYCLES, ELECTRIC SCOOTERS AND MOTORIZED DEVICES

## § 259-1. Legislative intent and purpose.

The Village of Hilton finds and determines that the use and operation of recreational motorized vehicles, electric bicycles, electric scooters and other motorized devices should be regulated in the interest of public health, safety and welfare.

The Village recognizes that recreational motorized vehicles, electric bicycles, electric scooters and other motorized devices may provide opportunities for recreation and enjoyment when operated responsibly and in appropriate locations. At the same time, unrestricted operation may create hazards to operators, pedestrians, motorists and property owners and may result in injury, excessive noise, trespassing, property damage, unsafe operation and interference with the peaceful enjoyment of property.

The purpose of this chapter is therefore to establish reasonable and uniform regulations governing the recreational use and operation of recreational motorized vehicles, electric bicycles, electric scooters and motorized devices within the Village of Hilton, while preserving and protecting the rights of property owners and the public and remaining consistent with applicable provisions of New York State law.

Nothing contained in this chapter shall be construed to authorize the operation of any vehicle or device in a manner otherwise prohibited by federal or New York State law.

## § 259-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ALL-TERRAIN VEHICLE (ATV)**
A motorized vehicle as defined by the New York State Vehicle and Traffic Law and commonly designed for off-road recreational use, including a quad, three-wheeler or four-wheeler.

**ELECTRIC BICYCLE**
A bicycle with electric assist as defined by New York State Vehicle and Traffic Law § 102-c, as amended from time to time.

**ELECTRIC SCOOTER**
An electric scooter as defined by New York State Vehicle and Traffic Law § 114-e, as amended from time to time.

DRAFT

**HIGHWAY**
A highway as defined by New York State Vehicle and Traffic Law.

**MOTORIZED DEVICE**
Any motorized recreational device propelled in part or in total by an electric or gasoline powered motor and not otherwise defined or regulated a a recreational motorized vehicle, electric bicycle, electric scooter, motor vehicle or all-terrain vehicle under New York State law. The term includes, where applicable, motorized skateboards, hoverboards, golf carts, motorized recreational conveyances, and similar devices designed principally for recreational use.

**OPERATOR**
Any person who drives, rides, controls or is otherwise in physical control of an electric bicycle, electric scooter, recreational motorized vehicle or motorized device regulated by this chapter.

**PARKING AREA OF A SHOPPING CENTER**
Includes those areas defined by New York State Vehicle and Traffic Law §129-a

**PARKING LOT**
Includes those areas defined by New York State Vehicle and Traffic Law § 129-b

**PUBLIC PROPERTY**
Any property owned, leased, maintained or controlled by the Village of Hilton or another governmental entity and open or available for public use, including parks, recreation areas, ball fields, sidewalks, public grounds, municipal facilities, easements and other public areas.

**RECREATIONAL MOTORIZED VEHICLE**
A motorized vehicle or conveyance designed principally for off-road recreation, entertainment or pleasure, including all-terrain vehicles, minibikes, trail bikes, dirt bikes, dune buggies, swamp buggies and similar vehicles, but excluding lawn mowers, powered garden equipment, other similar utilitarian domestic equipment, and vehicles required to be registered with the New York State Department of Motor Vehicles except where such vehicle is expressly regulated by this chapter.

**SIDEWALK**
A sidewalk as defined by New York State Vehicle and Traffic Law.

**STREET**
A street or highway as defined by New York State Vehicle and Traffic Law.

## § 259-3. Operation on private property and public property.

A. No person shall operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device on the private property of another person without the prior express consent of the property owner or lawful occupant.

DRAFT

B. Where operation is permitted pursuant to Subsection A, the operator shall comply with all applicable provisions of this chapter and shall operate the vehicle or device in a safe and responsible manner.

C. No person shall operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device on any public property, including Village-owned parks, ball fields, recreation areas, sidewalks, municipal facilities, storage areas, easements or other Village property, unless the area has been specifically designated or authorized by the Village for such operation.

D. The Village Board may, by resolution or other lawful action, designate specific public property or areas for electric bicycle, electric scooter, recreational motorized vehicle or motorized device use and may establish reasonable conditions governing such use, including hours, speed limits, designated routes and other safety requirements.

E. Nothing in this section shall prohibit the lawful operation of an electric bicycle, electric scooter, recreational motorized vehicle or motorized device on a highway or other location where such operation is authorized by New York State law and this chapter.

## § 259-4. General operating requirements.

A. Every operator shall operate the electric bicycle, electric scooter, recreational motorized vehicle or motorized device in a careful and prudent manner and shall maintain reasonable control at all times.

B. No operator shall operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device at a speed greater than is reasonable and prudent under the circumstances or at a speed that endangers persons or property.

C. No person shall operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in excess of the maximum speed established by applicable New York State law or this chapter, whichever is more restrictive.

D. No operator shall operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in a careless, reckless or negligent manner so as to endanger the safety or property of any person.

E. Operators shall yield the right-of-way to pedestrians at all times where required by law and shall operate in a manner that does not unnecessarily interfere with pedestrian traffic.

F. No operator shall carry a passenger unless an electric bicycle, electric scooter, recreational motorized vehicle or motorized device is specifically designed and equipped by the manufacturer for the transportation of passengers. No operator shall carry more passengers than the electric bicycle, electric scooter, recreational motorized vehicle or motorized device is designed and equipped to carry.

DRAFT

G. No operator shall carry a package, bundle, article or other object that prevents the operator from maintaining proper control of the electric bicycle, electric scooter, recreational motorized vehicle or motorized device or, where applicable, from keeping at least one hand upon the handlebars or steering wheel.

H. No operator shall attach an electric bicycle, electric scooter, recreational motorized vehicle, motorized device or the operator to a motor vehicle being operated upon a roadway.

I. No person operating an electric bicycle, electric scooter, recreational motorized vehicle or motorized device regulated by this chapter shall operate while impaired by alcohol, cannabis, a controlled substance, medication or any other substance to the extent that the person's ability to operate safely is impaired.

J. Every electric bicycle, electric scooter, recreational motorized vehicle or motorized device regulated by this chapter shall comply with all applicable equipment requirements imposed by New York State law.

## § 259-5. Recreational Motorized Vehicles and Motorized Devices..

A. Recreational motorized vehicles and motorized devices shall not be operated on any public street or highway within the Village except to the extent expressly authorized by New York State law.

B. No person shall operate a recreational motorized vehicle or motorized device on a Village sidewalk, park, ball field, recreation area or other public property unless the area has been specifically designated for such operation.

C. No person shall operate a recreational motorized vehicle or motorized device on private property belonging to another without the prior express consent of the owner or lawful occupant.

D. No person shall operate a recreational motorized vehicle or motorized device in a manner that damages or unreasonably threatens to damage public property, private property, landscaping, athletic fields, trails, drainage facilities or other improvements.

E. All recreational motorized vehicles and motorized devices operated within the Village shall comply with all applicable registration, equipment, insurance and operating requirements imposed by New York State law.

## § 259-6. Electric bicycles.

A. Electric bicycles operated within the Village shall meet the definition and equipment requirements established by New York State Vehicle and Traffic Law § 102-c, as amended.

B. No person under 16 years of age shall operate an electric bicycle within the Village.

DRAFT

C. Electric bicycles shall not be operated on any sidewalk within the Village unless such operation is expressly authorized by applicable New York State law and this chapter.

D. Electric bicycles shall not be operated on Village public property other than highways or other areas specifically designated for electric bicycle travel, except as otherwise authorized by applicable law.

E. The maximum operating speed for an electric bicycle within the Village shall not exceed 20 miles per hour, except where a lower speed is required by posted signage, applicable state law or another provision of this chapter.

F. Operators of electric bicycles shall comply with all applicable provisions of the New York State Vehicle and Traffic Law, including requirements relating to roadway operation, equipment, lights, protective headgear, passengers and the operation of bicycles with electric assist.

G. Nothing in this section shall be construed to permit the operation of an electric bicycle that does not satisfy the applicable definition or requirements of New York State law.

## § 259-7. Electric scooters.

A. Electric scooters operated within the Village shall meet the definition established by New York State Vehicle and Traffic Law § 114-e, as amended.

B. No person under 16 years of age shall operate an electric scooter within the Village.

C. No person shall operate an electric scooter at a speed greater than 15 miles per hour.

D. Electric scooters shall not be operated on any sidewalk within the Village unless such operation is expressly authorized by applicable New York State law and this chapter.

E. Electric scooters shall not be operated on Village public lands or property except on highways or in areas specifically designated for electric scooter travel, subject to applicable New York State law.

F. Every operator of an electric scooter shall comply with applicable provisions of the New York State Vehicle and Traffic Law concerning roadway operation, passengers, equipment, lights, protective headgear and the operation of electric scooters.

G. No person shall operate an electric scooter in a manner inconsistent with any posted restriction or designation established by the Village.

## § 259-8. Protective headgear and safety equipment.

A. Every operator shall comply with all protective-headgear requirements established by New York State law.

DRAFT

B. In addition to any state-law requirement, the Village may require the use of protective headgear as a condition of operation in any area specifically designated by the Village for recreational motorized vehicle use.

C. Any protective headgear required by this chapter shall meet applicable federal or state safety standards.

D. The requirements of this section shall not be construed to reduce or eliminate any protective-headgear requirement imposed by New York State law.

## § 259-9. Lights and warning devices.

A. Any electric bicycle, electric scooter, recreational motorized vehicle or motorized device operated between one-half hour after sunset and one-half hour before sunrise shall be equipped at minimum with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red or amber light visible to the rear for three hundred feet, at least one of which shall be visible for two hundred feet from each side.

B. Any electric bicycle, electric scooter, recreational motorized vehicle or motorized device operated shall be equipped at minimum with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet.

C. Any operator of an electric bicycle, electric scooter, recreational motorized vehicle or motorized device shall use the lights and warning devices required by this section.

D. Any additional lighting or warning-device requirement imposed by New York State law shall apply in addition to the requirements of this chapter.

## § 259-10. Noise and hours of operation.

A. No person shall operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in a manner that creates loud, excessive or unnecessary noise that unreasonably disturbs or interferes with the peaceful and quiet enjoyment of neighboring property.

B. Electric bicycles, electric scooters, recreational motorized vehicles and motorized devices shall not be operated in the Village of Hilton between the hours of between one-half hour after sunset and one-half hour before sunrise., except:

1. In an emergency;
2. When necessary for the protection of life or property;
3. When operated by a governmental agency in the performance of official duties; or
4. When otherwise specifically authorized by the Village.

DRAFT

C. The restrictions of this section shall not be construed to prohibit lawful operation of an electric bicycle or electric scooter during otherwise lawful hours, provided that the operator complies with all applicable state and local laws.

## § 259-11. Prohibited conduct.

No person shall:

A. Operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in a careless, reckless or negligent manner;

B. Operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in a manner that creates a substantial risk of injury to another person;

C. Operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device while impaired by alcohol, cannabis, drugs or another substance;

D. Operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device on private property without the consent required by § 259-3;

E. Operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device on public property where such operation is prohibited;

F. Operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in a manner that damages public or private property;

G. Operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in a manner that creates an unreasonable nuisance or disturbance;

H. Attach an electric bicycle, electric scooter, recreational motorized vehicle or motorized device or operator thereof to a moving motor vehicle;

I. Operate an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in excess of any applicable speed limitation; or

J. Park an electric bicycle, electric scooter, recreational motorized vehicle or motorized device in a manner that interferes with the free passage of pedestrians on a sidewalk or the lawful operation of vehicles on a street or highway; or

J. Fail to comply with any lawful restriction, designation or condition established pursuant to this chapter.

## § 259-12. Enforcement authority.

DRAFT

This chapter may be enforced by any law enforcement officer having jurisdiction within the Village of Hilton and by such other Village officials or enforcement personnel as may be authorized by law.

Nothing contained herein shall limit the authority of a law enforcement officer to enforce any applicable provision of the New York State Vehicle and Traffic Law, Penal Law or other applicable law.

## § 259-13. Impoundment and confiscation.

A. Any law enforcement officer having jurisdiction may cause an electric bicycle, electric scooter, recreational motorized vehicle or motorized device to be removed and impounded when the officer has reasonable grounds to believe that the vehicle or device is being operated in violation of this chapter or applicable law and immediate removal is reasonably necessary to protect public safety, prevent continued unlawful operation, or protect public or private property.

B. An electric bicycle, electric scooter, recreational motorized vehicle or motorized device operated by a person below the minimum lawful operating age may be impounded in accordance with applicable law.

C. An electric bicycle, electric scooter, recreational motorized vehicle or motorized device may also be impounded when the operator cannot reasonably establish ownership or when the owner cannot reasonably be identified or contacted.

D. An electric bicycle, electric scooter, recreational motorized vehicle or motorized device shall be released to the owner or the owner's duly authorized agent upon:

1. Proof of ownership or lawful authority to obtain possession;
2. Payment of all lawfully imposed towing and storage charges; and
3. Compliance with any other lawful conditions applicable to release.

E. When the operator is a minor, release may be made to a parent or legal guardian in accordance with applicable law.

F. Nothing in this section shall authorize the permanent forfeiture or sale of a vehicle or device except as expressly authorized by state law or other applicable law.

## § 259-14. Penalties for offenses.

A. Any person, firm or corporation who violates any provision of this chapter shall be subject to the civil penalty authorized herein.

1. B. Any person, firm or corporation violating or permitting the violation of any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than $250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Any person of the age of 18 years or over, firm or corporation who shall

DRAFT

violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed $500 or by imprisonment in the county jail for a term not exceeding 15 days, or both in the case of a second or subsequent violation..

C. Each separate act or occurrence in violation of this chapter may constitute a separate offense where authorized by law.

D. The imposition of a penalty shall not excuse the violation or authorize its continuation. The Village may pursue any other remedy or enforcement action available by law.

E. Nothing in this chapter shall be construed to limit the authority of a court or law enforcement agency to impose any penalty or pursue any remedy otherwise authorized by New York State law.

## § 259-15. Compliance with state law.

A. This chapter shall be interpreted and enforced consistently with applicable provisions of New York State law.

B. Where a provision of this chapter conflicts with a mandatory provision of state or federal law, the state or federal law shall control to the extent of the conflict.

C. Nothing in this chapter shall be construed to prohibit conduct that the Village is expressly preempted from regulating or to authorize conduct prohibited by state or federal law.

D. References in this chapter to specific provisions of the New York State Vehicle and Traffic Law shall include successor provisions and amendments thereto.

## § 259-16. Severability.

If any section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining portions of this chapter, which shall remain in full force and effect.

## § 259-17. Repealed.

Upon the effective date of this chapter, former Chapter 259, "Vehicles, Recreational," of the Code of the Village of Hilton is repealed and replaced by this chapter to the extent provided by the adopting local law.

Any provision of the former chapter that is inconsistent with this chapter is repealed upon the effective date of this chapter.

DRAFT

## § 259-18. Effective date.

This chapter shall take effect immediately upon filing with the Secretary of State, or on such other date as may be established by adopting local law, and shall thereafter be included in the Code of the Village of Hilton.

DRAFT