

TOWN OF NEWFANE
COUNTY OF NIAGARA, STATE OF NEW YORK
LOCAL LAW NO. _____ OF THE YEAR 2026

A LOCAL LAW to amend the Code of the Town of Newfane by repealing and replacing Chapter 249 thereof, entitled “Vehicles, Off-Road.”

Be it enacted by the Town Board of the Town of Newfane, County of Niagara, State of New York, as follows:

SECTION 1. Legislative intent.

The existing Chapter 249, adopted in 1985, regulates the operation of off-road vehicles within the Town. The Town Board finds that the nature and variety of such vehicles — including motorcycles, limited-use motorcycles, all-terrain vehicles, utility terrain vehicles, and dirt bikes — and the trespass, nuisance, noise, and safety concerns they present have changed since that time. The Town Board therefore intends by this local law to repeal the existing Chapter 249 and to replace it with an updated and comprehensive chapter that regulates the operation of these vehicles, protects public and private property from trespass and nuisance, and provides for enforcement, including impoundment and confiscation.

SECTION 2. Authority

This Local Law is enacted pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law § 10, and the Town Law of the State of New York.

SECTION 3. Repeal and replacement.

Chapter 249 of the Code of the Town of Newfane, entitled “Vehicles, Off-Road,” is hereby repealed in its entirety and replaced with the following:

CHAPTER 249
Vehicles, Off-Road

§ 249-1 Purpose.

The purpose of this chapter is to protect the public health, welfare, safety, peace, and tranquility by regulating the operation of motorcycles, limited-use motorcycles, and limited-use off-road vehicles within the Town of Newfane. It is also the purpose of this chapter to prevent those who wish to operate and use motorcycles, limited-use motorcycles, and limited-use off-road vehicles from trespassing on public or private property in the Town of Newfane and from creating a public nuisance.

§ 249-2 Definitions.

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

- A. **Limited-Use Motorcycle:** As defined in § 121-b of the Vehicle and Traffic Law, a limited use vehicle having only two or three wheels, with a seat or saddle for the operator. A limited-use motorcycle having a maximum performance speed of more than thirty miles per hour but not more than forty miles per hour shall be a Class A limited-use motorcycle. A limited-use motorcycle having a maximum performance speed of more than twenty miles per hour but not more than thirty miles per hour shall be a Class B limited-use motorcycle. A limited-use motorcycle having a maximum performance speed of not more than twenty miles per hour shall be a Class C limited-use motorcycle.
- B. **Limited-Use Off-Road Vehicle:** Any vehicle, other than one currently licensed to be operated or driven upon a public highway, which is propelled by any power other than human power, including but not limited to all-terrain vehicles, dirt bikes, and utility terrain vehicles.
- C. **Motorcycle:** As defined in § 123 of the Vehicle and Traffic Law, every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

§ 249-3 **Restrictions.**

- A. It shall be unlawful for any person to drive or operate any motorcycle, limited-use motorcycle, or limited-use off-road vehicle on private lands of another person within the Town of Newfane without the permission of the owner or occupant of said property.
- B. The following are prohibited within the Town of Newfane at all times:
 - (1) The operation of any motorcycle, limited-use motorcycle, or limited-use off-road vehicle in such a manner as to disturb or interfere with the peace and tranquility of persons by creating loud, unnecessary, or unusual noise in violation of the Town noise ordinance under Chapter 162 of the Town Code.
 - (2) The operation of any motorcycle, limited-use motorcycle, or limited-use off-road vehicle in a careless, reckless, or negligent manner so as to endanger or be likely to endanger the safety or property of any person, including the operator of the vehicle.
 - (3) The operation of any motorcycle, limited-use motorcycle, or limited-use off-road vehicle at a rate of speed greater than reasonable or prudent under the surrounding circumstances.
 - (4) The operation of any motorcycle, limited-use motorcycle, or limited-use off-road vehicle, within 100 feet of any dwelling other than the dwelling of the operator without the permission of the owner or occupant of the dwelling.

- (5) The operation of any motorcycle, limited-use motorcycle, or limited-use off-road vehicle on any lands leased, owned, or controlled by the Town of Newfane except as provided by local law.

§ 249-4 **Exceptions.**

- A. The provisions of § 249-3 shall not be construed to prohibit lawful operation of vehicles on public streets or thoroughfares.
- B. This chapter shall not apply to Town, police, and emergency vehicles.

§ 249-5 **Penalties; Impoundment; Confiscation.**

- A. A failure to comply with the provisions of this chapter shall be deemed a violation, and the violator shall be subject to a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.
- B. In addition to the penalties provided by Subsection A, any enforcement officer authorized to enforce this chapter who encounters a person operating a motorcycle, limited-use motorcycle, or limited-use off-road vehicle in violation of this chapter may impound the vehicle and cause it to be delivered to a location designated by the Town. An impounded vehicle may be reclaimed by its owner upon payment of all towing, storage, and other charges actually incurred in connection with the impoundment. The minimum reclaim fee shall be \$100. Where the owner is a minor under the age of 18, the minor's parent or guardian shall be present at the time of reclaim and shall be responsible for payment of all applicable charges.
- C. Upon a second or subsequent violation of this chapter, the court may order confiscation of the vehicle in addition to, or in lieu of, any fine or period of imprisonment. Any vehicle so confiscated shall be sold at public auction in accordance with applicable law governing municipal public auctions. The minimum bid shall be sufficient to cover all accrued costs and outstanding penalties.

§ 249-6 **Enforcement.**

The provisions of this chapter shall be enforced by the Niagara County Sheriff's Department or the New York State Police.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason held to be 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 affect the validity of the remaining portions of this local law, which shall remain in full force and effect.

SECTION 5. Effective date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.