

Local Law # 1 of 1981
Repealed Local Law # 6 1981
Local Law # 3 1983

REGULATING THE USE OF HORSES AND OTHE QUADEUPEDS ON TOWN HIGHWAYS, STATE HIGHWAYS, COUNTY ROADS, STREETS, SIDEWALKS AND PUBLIC PLACES IN THE TOWN OF HUNTER, GREENE COUNTY, NEW YORK.

STATEMENT OF LEGISLATIVE PURPOSE

The Town of Hunter is a rural Township in the Catskill Mountain Range lying within Greene County that has traditionally been utilized as a resort and recreational area. In recent years, as a result of the increasing popularity of winter and summer sports and related outdoor activities, the Township has been subjected to influxes of population and motor traffic, especially on holidays and weekends. Concurrently, there has been an increase in the use of highways and roads within the Town of Hunter by persons engaged in horseback riding.

The Town Board of the Town of Hunter recognizes that this situation has had certain deleterious effects on the safety and the welfare of the public. The Town Board has determined that the practice of causing groups of often inexperienced equestrians to ride often narrow public highways, roads, and streets, amidst motor vehicle traffic, exposes the driver of such vehicles, the equestrians, and their horses to serious danger. Also, the repeated use of these highways, roads and streets by groups of persons on horseback threatens damage to the surface of these roads resulting in a burdensome and expensive cost to the taxpayer.

The Town Board further recognizes that the accumulation of animal excrement which results from the use of highways, roads and streets by groups of persons engaged in horseback riding poses not only a threat to the public health through biological contamination, but also results an unreasonable, unjustifiable offense of the sensibilities of pedestrians, motorists, and users of such roadways as well as to those persons who reside in the vicinity. The Town Board also finds that such animal excrement left as residue upon said roadways is trodden upon by the horses and run over by automobiles in such a manner as to render it impossible to remove the excrement effectively.

Moreover, the Town Board finds that to acquire the use of any apparatus or device on horses, such as "diaper cloths" or "bags" designed to prevent the dropping of such excrement is not a practical solution and poses a threat, not only to the safety of the riders of horses so equipped but results in discomfort and abuse to the horses as well. The Town Board concludes, therefore, that there is neither a practical nor safe manner to permit the continued use of large groups of persons on horseback on highways, roads and streets within the Town, and further concludes that the use of horses on such highways in large groups amidst motorized traffic, presents an unacceptable danger, inconvenience, and nuisance condition.

The Town Board further finds that clear statutory authority exists and which empowers a town to adopt those reasonable local laws' and regulations as local conditions may require.

PURPOSE:

Accordingly, the Town Board enacts this local law to prohibit the use of roadways within the Town of Hunter by equestrians riding in groups comprised of those in excess of six persons and to regulate in a reasonable manner equestrian traffic in groups upon roadways within the Town of Hunter.

1. DEFINITIONS:

Unless otherwise expressly stated, whenever used in this local law, the following words shall have the meaning given to this by this section except in those instances where the context clearly indicates otherwise.

- (a) Horse; Any of the various equine animals or other quadrupeds being of the large hoofed mammal variety.
- (b) Equestrian; A person who rides a horse.
- (c) Persons; every natural person, firm co-partnership, association or corporation.
- (d) Group; Assemblage of two or more equestrians riding in close proximity and in concert with each other.
- (e) Roadway; Every public street, highway, lane, path, square, or place used by or laid out and established for the use of vehicles within the Town of Hunter and regardless of jurisdictional designation.
- (f) Vehicle; Every motor conveyance or device which is or may be used for riding or transportation upon a roadway.

2. REGULATIONS APPLYING TO GROUPS OF EQUESTRIANS:

- (a) It shall be unlawful for any equestrian to ride or engage in horseback riding upon any roadway within the Town of Hunter in a group consisting of more than six equestrians.
- (b) No group of equestrians shall ride or engage in horseback riding upon any roadway within the Town of Hunter within one thousand feet of any different group of equestrians riding on the same roadway or on any intersecting or connecting roadway. All measurements here under shall be made from those members of each group closest to the closest member of any such other group and shall be measured solely along the course of any such roadway or intersecting or connecting roadway. This provision shall apply only to two or more groups of equestrians riding on roadways in the Town of Hunter in concert with one another or acting under some plan, scheme, control or supervision common to any such other group or groups.
- (c) Each equestrian shall ride as near to the right hand edge of the roadway as practicable and shall exercise due care.

Whenever a usable path, lane or shoulder for horses has been provided on or adjacent to a roadway, equestrians shall use such path and shall not use the roadway or portion thereof.

- (d) Equestrians shall not ride or control their horse upon a roadway within the Town of Hunter other than in a single file manner.
- (e) No horse shall be used to carry more than one person nor shall any equestrian ride with or carry any other person on a single horse.

- (f) The parents of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.
- (g) No equestrian riding upon roadway within the Town of Hunter shall carry any package, bundle or article which prevents the rider from exercising full control of his (her) animal.
- (h) No equestrian riding upon any roadway within the Town of Hunter shall ride in a manner to interfere with vehicular traffic.
- (i) Vehicular traffic of any kind shall have the right of way on any roadway within the Town of Hunter and all equestrians shall move in such a manner and to such positions as shall permit said vehicles to pass safely.
- (j) No equestrian riding within the Town of Hunter shall stop for any purpose other than in case of accident or emergency or when directed to stop by the police in such a manner as to obstruct any roadway or crossing.
- (k) No equestrian riding upon a roadway within the Town of Hunter shall be allowed to remain upon or use any such roadway so as to blockade or obstruct traffic of that roadway.
- (l) It shall be unlawful for any equestrian, who is a member of a group of equestrians consisting of four or more equestrians, to place, deposit or permit to be dropped in any manner on any roadway within the said Town of Hunter by any animal, excrement, fecal material or other objectionable waste or substance, or in the event any such excrement, material, waste or substance is placed, deposited or dropped in any such roadway, to fail to remove the same immediately.
- (m) Reckless horseback riding shall mean the riding of a horse in a manner which unreasonably interferes with the free and proper use of the roadway or unreasonably endangers users of the roadway.
- (n) Reckless horseback riding is prohibited.
- (o) Reasonable care to be used. Nothing contained herein or omitted here from shall be construed or held to relieve any equestrian riding upon a roadway within the Town of Hunter for any purpose whatever from exercising all reasonable care to avoid or prevent injury through collision or interference with all other persons and vehicles.

3. PENALTY FOR VIOLATION:

Any person violating any provision or regulation hereof shall be deemed guilty of a violation, and upon conviction thereof by any magistrate, either upon confession of the party or by the competent testimony, may be punished for such offense by a maximum fine of \$100 or five (5) days in jail or both, for each of any such violation.

4. ALTERNATE PROCEEDING:

In addition to the penalties above described, nothing in this law shall be construed to limit the power and authority of the Town Board to maintain any action or proceeding in the name of the Town of Hunter in a court of competent jurisdiction to compel compliance with or to restrain by injunction or seek equitable relief to redress the violation of this local law.

The Town Board shall be entitled to use any means concurrently for the enforcement of any violation of this local law.

5. INTERPRETATION:

In the interpretation and application of the provisions of this local law, it shall be held to constitute the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, statutes, or local laws, except that if this local law imposes greater restrictions upon the use of roadways within the Town of Hunter, the provisions of this local law shall control.

6. SEVERABILITY OF PROVISION:

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 and which shall nevertheless remain in full force and effect.

7. REPEALER:

This local law shall be known as Local Law No.3 of the year 1983 and is intended to supersede Local Law No.7 of the year 1981. All other local laws or parts of local laws, inconsistent or conflicting with the provisions of this local law are hereby repealed.

8. EFFECTIVE DATE:

This local law shall take effect immediately upon filing in the office of the Secretary of State.

9. POLICE DEPARTMENT POSTING:

The police department shall see that this law is posted in all public facilities and shall keep copies of it at all of its stations and issue it on application.