

(Use this form to file a Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

COUNTY OF LEWIS

Local Law No. 7 of the Year 2006

**A LOCAL LAW ESTABLISHING REGULATIONS FOR THE OPERATION OF
ALL-TERRAIN VEHICLES (ATV's) ON EXISTING TRUCK TRAILS,
LOGGING ROADS AND SIMILAR TRAILS PRESENTLY LOCATED
ON CERTAIN COUNTY REFORESTATION LANDS**

(Insert Title)

BE IT ENACTED by the Board of Legislators of the County of Lewis, as follows:

SECTION I. TITLE.

This Local Law shall be known as “**A LOCAL LAW ESTABLISHING REGULATIONS FOR THE OPERATION OF ALL-TERRAIN VEHICLES (ATV's) ON EXISTING TRUCK TRAILS, LOGGING ROADS AND SIMILAR TRAILS PRESENTLY LOCATED ON CERTAIN COUNTY REFORESTATION LANDS.**”

SECTION II. LEGISLATIVE FINDINGS:

The Board of Legislators finds that pursuant to County Law § 219, the County may authorize the operation of all-terrain vehicles on county-owned reforestation lands, provided that such operation is consistent with forest and wildlife conservation and watershed protection. The Board of Legislators further finds that proper regulation of such uses on County-owned reforestation lands is essential in order to balance the interests of those who wish to promote the recreational use of the natural resources available in Lewis County, with the long-term preservation of those natural resources for future generations.

SECTION III. PURPOSE:

The purpose of this Local Law is to (a) authorize the operation of all-terrain vehicles upon certain existing truck trails, logging roads and similar trails that are presently available on Lewis County owned reforestation lands, and (b) establish the rules and regulations by which such operation shall be governed.

SECTION IV. DEFINITIONS:

As used in this Local Law:

1. “County” shall mean the County of Lewis.

2. "County reforestation land" shall mean those certain tracts or parcels or tracts of land that have heretofore or hereafter may be granted, conveyed or transferred to the County and dedicated for the purpose of reforestation or related use as described in County Law § 219 as the same may be amended from time to time.
3. "Planning Department" shall mean the Lewis County Planning Department.
4. "Conservation Foreman" shall mean the Lewis County Conservation Foreman.
5. "All-Terrain Vehicles" ("ATV's") shall have the same meaning as set forth in § 2281 of the Vehicle & Traffic Law.

SECTION V. OPERATION OF ATV'S ON COUNTY REFORESTATION LANDS

1. No person shall operate an ATV on County owned property except in conformance with this Local Law.
2. No person shall operate an ATV on County owned property except upon County-owned reforestation lands and only where existing truck trails, logging roads or similar trails located thereon have been designated and marked for such use by appropriate signage as hereinafter provided. Any person who operates an ATV on County owned reforestation lands upon a truck trail, logging road or similar trail that has not been designated and marked as being open for such use or operates an ATV outside of the designated and signed trail shall be guilty of trespass and shall be subject to prosecution under the New York State Penal Law.
3. The Board of Legislators hereby authorizes the Conservation Foreman to designate such existing truck trails, logging roads or similar trails located on County owned reforestation lands for use by ATV's, provided that
 - A. The Conservation Foreman determines, in consultation with the Planning Department, that such use is consistent with forest and wildlife conservation and watershed protection and does not otherwise interfere with the County's reforestation plans; and
 - B. Each such truck trail, logging road or similar trail is clearly marked with signs to be placed thereon by the Conservation Foreman or his designee.
4. All signs to be used by the Conservation Foreman for the purposes set forth in this Local Law shall be of uniform size, shape, lettering and marking; shall include the Lewis County official logo; and shall clearly and concisely inform the public that the truck trail, logging road or similar trail is open for the operation of ATV's.
5. Nothing contained herein shall be construed to obligate the Conservation Foreman to open any particular truck trail, logging road or similar trail or any part thereof for use as an ATV trail. Such determination shall be at the sole discretion of the Conservation Foreman in consultation with the Planning Department as set forth herein.

SECTION VI. REGULATIONS GOVERNING THE OPERATION OF ATV'S ON COUNTY REFORESTATION LANDS

In addition to any other general or special law, rule or regulation that may now or hereafter apply to the operation of ATV's, and in order to protect the order, conduct, health, safety and general welfare of persons as well as the property of the County, hereby adopts the following rules and regulations pertaining to the operation of ATV's on County owned property.

1. Notwithstanding the provisions of Vehicle and Traffic Law § 2410, or any other law, general or special, no person over the age of ten years and under the age of sixteen years shall operate an ATV on County owned property unless:
 - A. He or she is under the supervision of a person eighteen years of age or over; and
 - B. He or she shall be in possession of a safety certificate issued by the Commissioner of Motor Vehicles, evidencing that the holder thereof has successfully completed an ATV safety course as defined by Vehicle and Traffic Law § 2409. Failure to produce such certificate at such time shall be presumptive evidence that such person is not the holder of such certificate.
 - C. No parent or guardian shall authorize or knowingly permit his child or ward, if under sixteen years of age, to operate an ATV in violation of any provision of this Local Law, or any rule or regulation promulgated thereunder.
 - D. No owner or other person in possession of any ATV shall authorize or knowingly permit any person under sixteen years of age to operate such an ATV in violation of any provision of this Local Law, or any rule or regulation promulgated thereunder.
2. No person shall operate an ATV on County owned property at a speed greater than 25 miles per hour or at a rate of speed greater than is reasonable and prudent under the conditions and having due regard to the actual and potential hazards then existing or, whichever is less. Any person found guilty of violating the provisions of this subparagraph shall be deemed to have violated Section 1180(a) of the Vehicle & Traffic Law. Should such person be found guilty of violating the provisions of this subparagraph on more than one occasion within period of a year shall, in addition to any other penalty applicable under the law, be prohibited from using any ATV trail on County owned property for such period of time as the Conservation Foreman, in his sole discretion, may deem appropriate.
3. No person shall otherwise disturb the existing condition of County trails and shall not construct, excavate or build in any, way, shape or form, obstacles, hazards, challenges, mudbogs or otherwise modify the truck trails, logging roads or other trails maintained or constructed on County owned property. Any person found guilty of performing such activities shall be subject to prosecution under the Penal Law of the Stat of New York, and in addition to any other penalty applicable under the law, shall be prohibited from using any ATV trail on County owned property for such period of time as the Conservation Foreman, in his sole discretion, may deem appropriate.

4. In addition to all other laws, rules and regulations applicable to the operation of ATV's, no ATV operator while operating an ATV on County owned property shall:
 - (A) Operate an ATV in or on any truck trail, logging road, or similar trail not designated for such operation as herein defined;
 - (B) Operate an ATV in violation of any sign, direction, instruction or rule, whether written or verbal, by Lewis County, the Conservation Foreman, Lewis County Sheriff, NYS Department of Environmental Conservation, NYS Police or any other public official;
 - (C) Operate an ATV on a trail or portion thereof that has been designated as "closed" by the Conservation Foreman;
 - (D) Leave the scene of any accident resulting in personal injury to another party until such times as the Lewis County Sheriff or State Police arrives, except for the purpose of summoning aid;
 - (E) Overtake another ATV operator in such a manner as to cause contact with the ATV operator being overtaken and to yield the right-of-way to the ATV operator being overtaken;
 - (F) Willfully stop on any trail where such stopping is likely to cause a collision with other ATV operators or vehicles;
 - (G) Willfully fail to yield to any other user of the trails when entering or crossing a trail;
 - (H) Fail to wear protective clothing and helmets as required by the Vehicle and Traffic Law;
 - (I) Fail to report any personal injury to the Lewis County Sheriff's Department before leaving the County reforestation property; and
 - (J) Willfully remove, deface, alter or otherwise damage signage, warning devices or implements, or other safety devices placed and maintained by or at the request of the County.
5. Any person found guilty of violating the rules and regulations set forth in Subparagraph "4" above shall be guilty of an offense punishable by a fine up to \$500 or imprisonment of up to thirty (30) days or both. In addition, to any other penalty applicable under this or any other law, rule or regulation, such person shall be prohibited from using any ATV trail on County owned property for such period of time as the Conservation Foreman, in his sole discretion, may deem appropriate.
6. All of the rules and regulations set forth in this Local Law may be enforced by the Lewis County Sheriff, and/or any police officer as that term is defined by Criminal Procedure Law § 1.20 and/or any peace officer as that term is defined by Criminal Procedure Law § 2.10.

SECTION VII. SEVERABILITY:

In the event that any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances, and the Board

of Legislators of the County of Lewis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION VIII. REPEALER:

By the adoption of this Local Law, the Board of Legislators hereby repeals and supercedes Local Law No. 2 – 2006 in all respects.

SECTION IX. EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the Certification in the Paragraph that applies to the filing of this Local Law and strike out that which is not applicable).

1. (Final Adoption by Local Legislative Body Only.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 7 of 2006, of the County of Lewis was duly adopted by the Lewis County Board of Legislators on November 8, 2006, in accordance with the applicable provisions of law.

~~**2. (Passage by Local Legislative Body with Approval, No Disapproval or Repassage After Disapproval by the Elective Chief Executive Officer*).**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20____, and was approved, not disapproved, repassed after disapproval, by the _____, and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.~~

~~**3. (Final Adoption by Referendum.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20____, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20____, and was approved, not disapproved, repassed after disapproval, by the _____ on _____, 20____. Such Local Law was submitted to the people by reason of a mandatory/permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on _____, 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto Local Laws or Ordinances.

4. ~~(Subject to a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____, of the County of Lewis was duly passed by the Lewis County Board of Legislators on _____. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, in accordance with the applicable provisions of law.~~

5. ~~(City Local Law Concerning Charter Revision Proposed by Petition.)~~


~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20__, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special/general election held on _____, 20__, became operative.~~

6. ~~(County Local Law Concerning Adoption of Charter.)~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20__, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20__, pursuant to the subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification).

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original Local Law, and was finally adopted in the manner indicated in Paragraph 1, above.



Clerk of the Lewis County Board of Legislature
Clerk or officer designated by local legislative body
TERESA K. CLARK, CLERK
Date: November 20, 2006

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
COUNTY OF LEWIS) ss:

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

A handwritten signature in black ink, appearing to read "Richard J. Graham", written over a horizontal line.

**Signature – RICHARD J. GRAHAM, ESQ.
LEWIS COUNTY ATTORNEY**

County of Lewis

Date: November 20, 2006