

Local Law Filing

(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. 2 of the Year 2011

A LOCAL LAW AMENDING LOCAL LAW NO. 5 – 2009 PERMITTING ALL-TERRAIN VEHICLE OPERATION ON PORTIONS OF CERTAIN COUNTY ROADS

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 Amending Local Law No. 5 – 2009 Permitting All-Terrain Vehicle Operation on Portions of Certain County Roads”.

SECTION II. PURPOSE.

The purpose of this Local Law is to amend the designation of certain highways or portions thereof within the County Highway system as being open for travel by all-terrain vehicles pursuant to the authority granted in Section 2405 of the Vehicle and Traffic Law of the State of New York.

SECTION III. DEFINITIONS.

For purposes of this Local Law, the terms hereinafter identified shall have the meanings indicated:

- (a) The term “County” shall refer to the County of Lewis.
- (b) The term “ATV” shall refer to an “all-terrain vehicle” as defined in Section 2281(1) of the Vehicle and Traffic Law of the State of New York.
- (c) The term “Trail System” shall refer to the Lewis County Trail System, as adopted and administered pursuant to Local Law No. 2 – 2009, entitled, “A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL SYSTEM,” and as the same may be amended from time to time.
- (d) The term “ATV Code” shall refer to the Lewis County ATV Code which sets forth the local rules and regulations pertaining to the operation of ATVs on public property

SECTION V. AMENDED DESIGNATION OF HIGHWAYS.

Local Law No. 5 – 2009 is hereby amended as follows:

- A. The following County highways, or portions thereof, which were designated as open by Local Law No. 5 – 2009, are hereby designated as CLOSED to travel by ATV's:
- That certain portion of **Pine Grove Road (CR 39)**: beginning at its intersection with Sweeney Road and then southerly to its intersection with Burdicks Crossing Road (CR 36), a distance of approximately **0.12 miles**.
 - That certain portion of **Burdicks Crossing Road (CR 36)**: beginning at its intersection with County Route 39 and then westerly a distance of approximately **.43 miles** to an ATV trail located on the southerly side of Burdick's Crossing Road that is open to the public and incorporated into the Lewis County Trail System pursuant to Resolution No. 8 - 2011.
 - That certain portion of **Burdicks Crossing Road (CR 36)**, beginning at an ATV trail located on the southerly side of Burdicks Crossing Road on property now owned by Dorothy Dekin that is open to the public and incorporated into the Lewis County Trail System pursuant to Resolution No. 8 - 2011, then easterly a distance of approximately **.13 miles**.
- B. The following County highways, or portions thereof, are hereby designated as OPEN to travel by ATV's, IN ADDITION TO the highways or portions thereof that were designated as open under Local Law No. 5 -- 2009:
- That certain portion of **Lyons Falls Road (CR 39)**: **.5 miles**, beginning from a certain ATV trail located on the westerly side of Lyonsdale Road that is open to the public and incorporated into the Lewis County Trail System pursuant to Resolution No. 8 - 2011; and then southerly a distance of .50 miles to a certain ATV trail located on the easterly side of Lyonsdale Road that is open to the public and incorporated into the Lewis County Trail System pursuant to Resolution No. 8 - 2011

SECTION VI. CONDITIONS AND RESTRICTIONS.

- A. All of the conditions, restrictions, rules and regulations contained in or adopted pursuant to Article 48-C of the Vehicle and Traffic Law of the State of New York shall apply with respect to the operation of ATV's within the portion of County highway designated in Section V(B) above.
- B. The portion of County highway designated in Section V(B) set forth above shall be deemed incorporated into the Lewis County ATV Trail System and subject to the conditions, restrictions, rules and regulations set forth in Local Law No. 2 – 2009, entitled, "**A LOCAL LAW ESTABLISHING THE LEWIS COUNTY TRAIL**

SYSTEM” as well as Local Law No. 3 – 2009, entitled, “**THE LEWIS COUNTY ATV CODE”** as the same may be amended from time to time.

SECTION VII. SAVINGS CLAUSE

Except as specifically amended and modified herein, Local Law No. 5 – 2009 shall in all respects remain in full force and effect.

SECTION VIII. SEPARABILITY.

In the event that any part or provision of this Local Law or the application thereof to any person or circumstance is 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. Moreover, the Board of Legislators of the County of Lewis hereby declares its intent that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

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. 2 of 2011, of the County of Lewis was duly passed by the Lewis County Board of Legislators on February 1, 2011, 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.~~

* 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.

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.

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 20__, of the County of Lewis was duly passed by the Lewis County Board of Legislators on _____, 20__. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, 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.



**TERESA K. CLARK, CLERK
LEWIS COUNTY BOARD OF LEGISLATORS**

(Seal)

Dated: March 7, 2011.

(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.



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

Dated: March 7, 2011.