

# Local Law Filing

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(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. 1 of the Year 2012

#### A LOCAL LAW TO REGULATE CAMPING ON COUNTY PROPERTY

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

#### **SECTION 1. TITLE.**

This Local Law shall be known as “**A LOCAL LAW TO REGULATE CAMPING ON COUNTY PROPERTY**”

#### **SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE:**

1. The Board of Legislators finds that the County of Lewis (the “County”) presently owns several parcels of land which is dedicated to reforestation pursuant to County Law § 219.
2. The Board of Legislators further finds that County Law § 219(1) authorizes a county to utilize reforestation properties “for recreation and kindred purposes.”
3. The Board further finds that to allow recreational uses on such properties, such use should be regulated so that it is consistent with forest and wildlife conservation and watershed protection. (Compare, Op. Atty. Gen. No. 2002-1).
4. It has been reported to the Board of Legislators that members of the public have used certain County owned reforestation lands for overnight camping and that the County has not heretofore established rules or regulations for camping on County reforestation lands.
5. The Board of Legislators wishes to establish regulations for public camping on its reforestation lands.

#### **SECTION 3. STATUTORY AUTHORITY:**

This local law is enacted pursuant to the following authority:

1. Municipal Home Rule Law (“MHL”) § 10(1)(i) provides that a county may adopt local laws relating to its property, affairs or government provided it is not inconsistent with the provisions of the constitution or any general law.
2. County Law § 219(1) provides that a county may utilize its reforestation properties “for recreation and kindred purposes.” The Attorney General has opined that such recreational use must be consistent with forest and wildlife conservation and watershed protection. Op. Atty. Gen. No. 2002-1.

#### **SECTION 4. DEFINITIONS:**

As used in this Local Law:

1. **All-Terrain Vehicles (ATV’s):** Shall have the same meaning as set forth in § 2281 of the Vehicle & Traffic Law.
2. **Camp or camping:** For purposes of this local law, shall mean a temporary shelter, including but not limited to a tent or lean-to, BUT SHALL SPECIFICALLY EXCLUDE: camping trailer, “fifth wheel” camper, motor home travel trailer, mobile home, “pop-up” trailer, recreational vehicle or “RV”, or the use of any vehicle for shelter or sleeping.
3. **Conservation Foreman:** Shall refer to the individual who holds the position of Lewis County Conservation Foreman.
4. **County:** Shall mean the County of Lewis.
5. **County Reforestation Lands:** Lands purchased, acquired, or accepted by gift by the County of Lewis for purposes of reforestation under the authority of County Law § 219.

#### **SECTION 5. GENERAL REGULATIONS**

The following regulations apply to all County owned reforestation lands. The following activities are prohibited:

- a. Use of a camping trailer, “fifth wheel” camper, motor home travel trailer, mobile home, “pop-up” trailer, recreational vehicle or “RV”, or any vehicle for shelter or sleeping.
- b. Parking a motor vehicle in other than designated locations.
- b. Operating a motor vehicle in excess of twenty-five (25) miles per hour or in any manner contrary to posted regulations
- c. Operating a motor vehicle on other than the designated roads.
- d. Operating a snowmobile except upon designated trails.

- e. Operating an ATV except upon designated trails and in compliance with the Lewis County ATV Code (Local Law No. 3 – 2009).
- f. Horseback riding on other than designated trails.
- g. Allowing dogs to run unleashed.
- h. Entering or using the reforestation lands during other than the designated hours posted by the Conservation Foreman.
- i. Operating or parking a motorcycle, mini-bike or other form of recreational motor vehicle except on designated roads.
- j. Overnight parking of motor vehicles
- k. The use of or being under the influence of any illegal drug or substance in any County property.
- l. Possess or use firearms, bow and arrow or other dangerous weapons within the County reforestation lands, unless authorized by law.
- m. Disturb the peace and good order in the reforestation lands by fighting or arguing in loud voices or threaten violence to any person or the property of others.
- n. The possession of fireworks of any nature on County property is prohibited.
- o. No person shall fail to comply with a lawful instruction of an employee of the County.
- p. Beg, hawk, peddle or solicit within the County reforestation lands except as authorized by the Board of Legislators.
- q. Remove, deface, alter or otherwise damage signage, warning devices or other safety devices placed and maintained by the County.
- r. Injure, deface, destroy, disturb, or remove any County property.
- s. Litter or leave behind refuse and garbage except in receptacles provided for such purpose.
- t. Start a fire except in grills, fireplaces or designated areas.
- u. Fail to extinguish before leaving the park all fires started or used. The dumping of ashes or fire onto the ground is absolutely prohibited.

## **SECTION 6. CAMPING REGULATIONS**

- a. No overnight camping shall be allowed on any County reforestation land except as specifically authorized under this local law.

- b. The **Conservation Foreman** is hereby authorized to designate certain County reforestation parcels or portions thereof where overnight camping may be permitted, consistent with the Conservation Foreman's forest management practices, wildlife conservation practices and watershed protection measures and subject to the approval of the Board of Legislators.
- c. The **Conservation Foreman** is hereby authorized to issue permits upon such form(s) as may be approved by the County Attorney, for the purpose of permitting overnight camping in those areas within County reforestation lands where such camping may be permitted. Purchase of such permits may be made at the Lewis County Treasurer's Office during regular business hours.
- d. The Board of Legislators is hereby authorized to establish from time to time by resolution such fees as it may deem necessary and appropriate for the privilege of camping overnight within such County reforestation lands.

#### **SECTION 7. HOURS OF CLOSING**

- a. Except where designated for overnight camping, no person shall be permitted to remain, stop or park within the confines of any County Reforestation land between the hours of 9:00 p.m. and 7:00 a.m. prevailing local time except in emergencies or with special permit from the Conservation Foreman. In case of an emergency or when in the judgment of the Conservation Foreman the public interest demands it, any portion of the County Reforestation land may be closed to the public or to designated persons until permission is given to reopen.
- b. Notwithstanding the hours of closing stated herein, the Conservation Foreman may establish closing hours for designated park facilities.

#### **SECTION 8. PENALTIES FOR OFFENSES: ENFORCEMENT**

- a. A violation of this local law shall constitute an offense punishable by a fine not to exceed fifty dollars (\$50.00) for each and every such offense.
- b. Any state police officer, County Sheriff or police officer of Lewis County or any of its municipal subdivisions may, without a warrant, arrest any offender whom he may detect in the violation of any of the provisions of the above sections, and take the persons so arrested forthwith before a Magistrate having competent jurisdiction.

#### **SECTION 9. SEVERABILITY**

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.

**SECTION 10. 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. 1 of 2012, of the County of Lewis was duly passed by the Lewis County Board of Legislators on August 7, 2012, 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.~~

**~~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.~~

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\* 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.

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

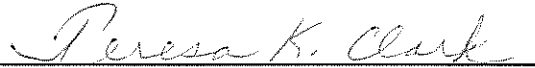
I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of 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**

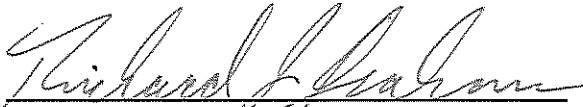
**(Seal)**

**Dated: August 7, 2012.**

**(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: August 7, 2012.**