

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. 6 of the Year 2013

A LOCAL LAW AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM

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 AMENDING LOCAL LAW NO. 2 – 2009 REGARDING THE FEES CHARGED FOR ATV PERMITS IN THE LEWIS COUNTY TRAIL SYSTEM.**”

SECTION 2. STATUTORY AUTHORITY.

This local law is enacted pursuant to 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.

SECTION 3. LEGISLATIVE FINDINGS.

The Board of Legislators makes the following findings in support of this Local Law:

1. That the Board of Legislators has heretofore adopted Local Law No. 2 - 2009 whereby the Board established the Lewis County Trail System (“Trail System”), which is an identified and designated system of trails and interconnecting roads throughout Lewis County for outdoor enthusiasts who enjoy the use and operation of all-terrain vehicles (“ATVs”).
2. That Local Law No. 2 - 2009 established a permit system pursuant to which no person shall operate any ATV on any County Reforestation Land, County property, or on any trail on private property that has been incorporated into the Lewis County

Trail System unless such ATV has received a Lewis County Trail Permit in accordance with the provisions of that Local Law.

3. That Local Law No. 2 - 2009 was amended by Local Law No. 1 - 2010, whereby a discounted permit for owners of multiple machines was established.
4. That in order to improve both the management of the Trail System as well as the administration of the permit fees, the Board of Legislators believes that it is in the public interest to amend the fee structure of Local Law No. 2 - 2009, and that Local Law No. 1 - 2010 be repealed as unnecessary.

SECTION 4. LEWIS COUNTY ATV TRAIL PERMITS.

1. Section "11" of Local Law No. 2 - 2009, entitled, "LEWIS COUNTY ATV TRAIL PERMITS" is hereby amended by deleting the language contained in Paragraph "4" thereof in its entirety and inserting the following language in substitution therefor:

"4. Fees. Fees for the issuance of a Lewis County Trail Permit to be collected by Lewis County under this Local Law are as follows.

- a. A fee of sixty-five dollars (\$65) for each individual ATV for which a Trail Permit is requested.
- b. In the event that an applicant wishes to obtain permits for more than one ATV (provided that all ATV's are registered to the same mailing address), the permit fee each additional ATV shall be \$20 per machine.
- d. Fees shall not be prorated and such fees shall be applicable only to the year in which the permit is issued.
- e. Provided, however, that the provisions of paragraphs (a) and (b) of this subdivision shall not apply to any landowner who has entered into an access agreement with the County to permit the development of one or more ATV trail on his or her property."

SECTION 5. REPEALER.

Local Law No. 1 -- 2010 is hereby repealed as no longer necessary.

SECTION 6. SAVINGS CLAUSE.

Except as specifically amended or modified herein, the provisions of Local Law No. 2 – 2009 shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This Local Law shall become effective 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. 6 of 2013, of the County of Lewis was duly passed by the Lewis County Board of Legislators on March 13, 2013, 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 approved, 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 approved, 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__, and was approved, not approved, repassed after disapproval, by the _____ 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.~~

* 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

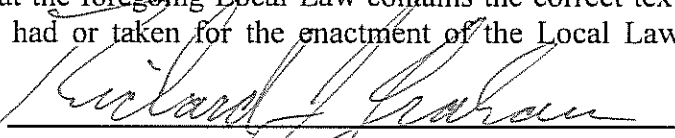
(Seal)

Dated: March 19, 2013.

(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 19, 2013.