

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. 4 of the Year 2014

A LOCAL LAW AMENDING LOCAL LAW NO. 2 – 2009 AND LOCAL LAW NO. 6 – 2013 ESTABLISHING A THREE DAY TRAIL PASS FOR USE ON THE LEWIS COUNTY ATV 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 AND LOCAL LAW NO. 6 – 2013 ESTABLISHING A THREE DAY TRAIL PASS FOR USE ON THE LEWIS COUNTY ATV TRAIL SYSTEM.”**

SECTION 2. STATUTORY AUTHORITY

This local law is enacted pursuant to Municipal Home Rule Law (“MHL”) § 10(1)(i) which 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. The Board of Legislators has heretofore adopted Local Law No. 2 – 2009 whereby the Board established the Lewis County Trail System (“Trail System”).
2. 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. Local Law No. 2 – 2009 has been amended by Local Law No. 1 – 2010 which amended the permit fee schedule to include a discount for purchasing multiple permits by a single ATV operator.
4. Local Law No. 2 – 2009 has been further amended by Local Law No. 6 – 2013, which amended and restated the fee schedule for Trail Permits and repealed Local Law No. 1 – 2010.
5. Local Law No. 2 – 2009 has been further amended by Local Law No. 112 – 2014 which clarified that all references contained in Local Law No. 2 – 2009 to the Trails Coordinator and/or to the Conservation Foreman are deemed amended to refer to the Director of Recreation, Forestry and Parks by reason of the enactment of Local Law No. 10 – 2013.
6. The County receives numerous requests each year from tourists and potential tourists who wish to use the Trail System for brief periods of time during their travels to or through Lewis County, but do not want or have a need for a permit for the entire season.
7. The Board of Legislators therefore finds that it is in the public interest to amend the fee schedule of Local Law No. 2 – 2009, as amended and restated by Local Law No. 6 – 2013, to provide for a three (3) day Trail Pass that would allow ATV operators the opportunity to use the Trail System for up to three (3) days.
8. The Board of Legislators further finds that a three (3) day Trail Pass will accommodate the demand from tourists and enhance the marketability of the ATV Trail System.

SECTION 4. LEWIS COUNTY ATV TRAIL PERMITS.

1. Paragraph “4” of Section “11” of Local Law No. 2 – 2009, entitled, “LEWIS COUNTY ATV TRAIL PERMITS,” as amended by Local Law No. 6 – 2013 is hereby amended by inserting the following as a new subparagraph “f” of Paragraph “4.”
 - f. As an alternative to obtaining a Trail Permit, an ATV operator may purchase a three (3) day Trail Pass. The fee for purchasing the Trail Pass shall be twenty dollars (\$20) each. The Trail Pass shall allow the holder thereof use of the Trail System for a period of no longer than three consecutive (3) days, including the date of purchase.
 - i. The Trail Pass shall be of such design and material as determined by the Director of Recreation, Forestry and Parks.
 - ii. To obtain a Trail Pass, an ATV operator must complete an application and provide the same information and proof of insurance as is required to obtain a Trail Permit.

- iii. The Director of Recreation, Forestry and Parks may establish such other rules and regulations for administering the purchase and sale of Trail Passes as deemed necessary, consistent with the regulations provided in these local laws. All other rules and regulations that apply to Trail Permits shall equally apply to Trail Passes.

SECTION 5. SAVINGS CLAUSE

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

SECTION 6. 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. 4 of 2014, of the County of Lewis was duly passed by the Lewis County Board of Legislators on April 1, 2014, 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.~~

* 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 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.

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

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

Dated: April 4, 2014

(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.

Joan E. McNichol

**JOAN E. McNICHOL, ESQ.
LEWIS COUNTY ATTORNEY**

Dated: April 4, 2014