

## 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. 3 of the Year 2016

#### **A LOCAL LAW AMENDING LOCAL LAW NO. 2-2009 REGARDING THE OPENING AND CLOSING OF THE LEWIS COUNTY TRAIL SYSTEM AND 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 OPENING AND CLOSING OF THE LEWIS COUNTY TRAIL SYSTEM AND 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) **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. That 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 was 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2009 was further amended by Local Law No. 6 -- 2013, which amended and restated the fee schedule for Trail Permits and repealed Local Law No. 1 -- 2010.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 was further amended by Local Law No. 3 -- 2014 which clarified that any and all references contained in Local Law No. 2 -- 2009, as amended, to the Trails Coordinator or to the Conservation Foreman are deemed amended to refer to the Director of Recreation, Forestry and Parks by virtue of the enactment of Local Law No. 10 -- 2013.
6. Local Law No. 2 -- 2009 was further amended by Local Law No. 4 -- 2014 which provided for a three (3) day Trail Pass as an alternative to purchasing a Trail Permit to use the Trail System.
7. Local Law No. 2 -- 2009 was further amended by Local Law No. 5 -- 2014 which provided for a fixed time period (May 1 through Tuesday after Columbus Day each year- designated as the "ATV PERMIT SEASON") when Permits could be purchased, and authorized the Board of Legislators to establish the dates of the ATV Permit Season by resolution to be adopted on or before the Board's regular February Board meeting.
8. 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 finds that it is in the public interest to modify the opening and closing of the Lewis County Trail System; to provide discretion to the Director of Parks, Forestry and Recreation to modify the opening and closing dates of the Trail System based upon weather and environmental conditions; to provide discretion to the Director of Parks, Forestry and Recreation to provide for a free 3-day weekend pass; and to modify the permit fees for applicants who are registered members of a qualified ATV club as more fully set forth herein.

#### **SECTION 4. ATV TRAIL SEASON AND PERMITS**

A. Section "11", Paragraph "2" of Local Law No. 2 -- 2009, as amended by Local Law No. 5 -- 2014 is hereby amended by deleting the following language:

"2. The Director of Recreation, Forestry and Parks or its designee, is hereby authorized to issue a Lewis County Trail Permit or a Trail Pass and assign a Lewis County Trail Permit or Trail Pass number to each such ATV, upon receipt of a completed application and appropriate permit fee as hereinafter provided. A Trail Permit or Trail Pass may be issued only during the "ATV Permit Season" which for calendar year 2014 shall commence on May 1 and continue through the Tuesday immediately following Columbus Day. Thereafter, the Board of Legislators shall establish the dates of the ATV Permit season by resolution to be adopted on or before the Board's regular February Board meeting.

- a. A Trail Permit shall be valid from the date of issuance through and including the last day of the ATV Permit Season for which it was issued.
- b. A Trail Pass shall be valid for a period not to exceed three (3) consecutive days including the date of purchase, provided that in no event shall a Trail Pass allow use of the Trail System beyond the closing date of the ATV Permit Season as set forth above.

and substituting the following language:

“2. The Director of Recreation, Forestry and Parks or its designee, is hereby authorized to issue a Lewis County Trail Permit or a Trail Pass and assign a Lewis County Trail Permit or Trail Pass number to each such ATV, upon receipt of a completed application and appropriate permit fee as hereinafter provided.

a. The ATV Permit Season shall run from April 1<sup>st</sup> through the Tuesday after Columbus Day in each year, unless otherwise established by the Board of Legislators on or before its March Board meeting. Notwithstanding the aforementioned, the Director, after consultation with the County Recreation, Forestry and Parks Committee, is authorized to delay the opening date of any or all of the trails within the ATV Trail System based upon weather and environmental conditions. In such event, the Director shall post the trails accordingly, provide notice of the date of opening on the County website, Chamber of Commerce website, publish in the local paper, and provide other means of notification as deemed reasonable and appropriate.

b. A Trail Permit shall be valid from the date of issuance through and including the last day of the ATV Permit Season for which it was issued, except that a trail permit purchased on or after the Tuesday after Labor Day shall be valid for the following ATV Permit Season.

c. A Trail Pass shall be valid for a period not to exceed three (3) consecutive days, provided that in no event shall a Trail Pass allow use of the Trail System beyond the closing date of the ATV Permit Season as set forth above.

d. The Director is authorized to provide for and post a free Three (3)-Day Pass weekend the first full weekend of August (Friday, Saturday, Sunday), in the sole discretion of the Director.

e. The Board of Legislators authorizes the Director to provide for the receipt of permit applications and permit fees through a secure internet site administered by the Director or her designee.”

B. Section “11”, Paragraph “4” of Local Law No. 2 -- 2009, as amended by Local Law No. 6 -- 2013 and Local Law No. 4 -- 2014 is hereby amended by deleting the language 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 (\$65) dollars for each individual ATV registrant who is not a current, registered member of an ATV Club with an active ATV Trail Agreement with the County.

b. A fee of forty-five (\$45) dollars for each individual ATV for which a Trail Permit is requested, provided the applicant presents proof of current, registered membership in an ATV Club with an active ATV Trail Agreement with the County.

c. In the event that an applicant wishes to obtain permits for more than one ATV (provided that all ATVs are registered to the same mailing address) the permit fee for each additional ATV shall be \$20 per machine.

d. Fees shall not be pro-rated for the ATV Permit Season, and such fees shall be applicable to the year in which the permit is issued, except that permits purchased on or after the Tuesday after Labor Day shall be valid the following ATV Permit Season.

e. The provisions of paragraphs a. and b. of this subdivision shall not apply to any landowner who has entered into and has an active access agreement with the County to permit the development of one or more ATV trails on his or her property.

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 (\$20) dollars each. The Trail Pass shall allow the holder thereof use of the Trail System for a period of no longer than three (3) consecutive days.

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 and 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, and as previously amended as referenced herein above, the provisions of Local Law No. 2 – 2009 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. 3 of 2016, of the County of Lewis was duly passed by the Lewis County Board of Legislators on September 6, 2016, 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.~~

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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.)**

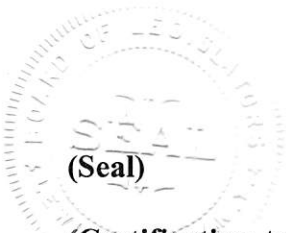
I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of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



(Seal)

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

Dated: September \_\_, 2016.

**(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:

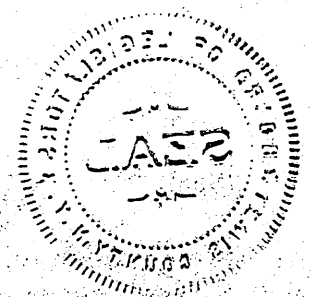
I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

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

Dated: September 9, 2016.

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*James A. Cook*



*James A. Cook*

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