

Local Law Filing

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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 2022

A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE/OFF-HIGHWAY VEHICLE OPERATION ON APPROXIMATELY .2 MILES OF CERTAIN PORTIONS OF BURDICK'S CROSSING ROAD (CR 36) AND APPROXIMATELY 250 FEET OF A CERTAIN PORTION OF LYONS FALLS ROAD (CR 76)

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 Permitting All-Terrain Vehicle/Off-Highway Vehicle Operation on approximately .2 miles of certain portions of Burdick's Crossing Road (CR 36) and approximately 250 feet of a certain portion of Lyons Falls Road (CR 76)".

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/off-highway 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. The term "OHV" shall refer to "off-highway vehicle" and shall have the same meaning as set forth in Local Law No. 3-2019.

- (c) The term “Trail System” shall refer to the Lewis County Trail System, as adopted and administered pursuant to Local Law No. 2-2009; as amended and re-established pursuant to Local Law 3-2019, entitled, “**A LOCAL LAW AMENDING LOCAL LAW NO. 2-2009 AND RE-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 ATV’s and/or OHV’s on public property pursuant to Local Law No. 3–2009, entitled “**A LOCAL LAW ESTABLISHING THE LEWIS COUNTY ATV CODE,**” and as the same may be amended from time to time.
- (e) The term “CR” shall mean County Route and is used to describe or designate the highway as owned by the County of Lewis and maintained by the Lewis County Highway Department.

SECTION IV. LEGISLATIVE FINDINGS.

The Board of Legislators hereby makes the following findings:

1. That Board of Legislators has carefully reviewed a Memorandum from the County Attorney detailing the legal obligations of the Board when considering opening a County highway or portion thereof to ATV use.
2. The Board of Legislators has also reviewed a report from the Director of Recreation, Parks and Forestry which Described the Amended Designation of ATV/OHV Trails and Interconnecting County Roads for Use by ATV’s/OHV’s identifying the segments of CR 36 and CR 76 that are proposed to be opened to ATV traffic and providing a description of the trail or areas that are adjacent to such road portions and the justification for same as required by Vehicle & Traffic Law § 2405.

The Board of Legislators has commenced a review of the potential adverse impacts the opening of the proposed interconnecting portions of this County Road, consistent with Article 8 of the Environmental Conservation Law of the State of New York, as amended, and Title 6, Part 617 of the New York Codes, Rules and Regulations (“NYCRR”) implementing Article 8 (collectively referred to hereinafter as “SEQRA”) and after an investigation and analysis conducted by the Director of Soil & Water, finds and determines that adding these portions of CR 36 and CR 76 to the Lewis County Trail System will not result in a significant environmental impact.

3. The Board of Legislators has also reviewed the most recent annual ATV/OHV Activity Report as compiled by the Lewis County Sheriff’s Department, indicating a high level of usage for this part of the ATV/OHV trail system.

4. The County Highway Superintendent has reviewed the portion of CR 36 (Burdick's Crossing Road) and the portion of CR 76 (Lyons Falls Road) that are proposed to be opened to ATV/OHV traffic, and has provided the Board with his written opinion that such road portions thereof are presently opened to all classes of motor vehicle traffic and that opening said road portions hereof to ATV/OHV traffic will not significantly impact traffic safety at this locality.
5. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby determines and finds that due to the termination of the access agreement with Darren Pominville and the removal of the trail therefore, from his property on Burdick's Crossing (CR 36) and Lyons Falls Road (CR 76), it is otherwise impossible for ATV's/OHV's to continue access from Route 12 and connect to the Lewis County Off Road Trail System by access now at the VanHandel property (Tax Parcel # 290.02-01-13.100), without opening additional portions of CR 36 and CR 76 to the trail system as follows: a portion of CR 36 to be opened a total distance of .2 miles from where the trail was on the Pominville property to the Northeast corner of VanHandel's property; and an additional portion of CR 76 to be opened, approximately 250 feet from where the trail was on the Pominville property to the Trail location on the Southeast section of VanHandel property.

SECTION V. AMENDED DESIGNATION OF HIGHWAYS.

The following portions of County Highway 36 and County Highway 76 are hereby designated as OPEN to travel by ATV's/OHV's, and/or as subsequently amended thereto:

- a. That certain portion of Burdick's Crossing Road (CR 36), from where the trail had been accessed on the Pominville property (290.00-01-03.176), a distance of .2 miles East on Burdick's Crossing Road to the off-road recreational trail on property owned by Joseph P. VanHandel (290.02-01-13.100);
- b. That certain portion of Lyons Falls Road (CR 76), from where the trail had been accessed on the northeast corner of the Pominville property (290.00-01-03.176), a distance of approximately 250 feet north on Lyons Falls Road to the off-road trail on property now owned by Joseph P. VanHandel (290.02-01-13.100.;

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/OHV's within the areas designated in the preceding Section V.
- B. The road segments set forth above shall be deemed incorporated into the Lewis County ATV/OHV Trail System and subject to the conditions, restrictions, rules and regulations set forth in Local Law No. 3-2019 entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 2-2009 AND RE-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.

- C. The road segments set forth above shall have signage posted to direct ATV/OHV riders to ride on the paved road and not on the stone shoulder of the road.

SECTION VII. 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.

SECTION VIII. 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. 5 of 2022, of the County of Lewis was duly passed by the Lewis County Board of Legislators on September 7, 2022, 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.~~

* 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 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.~~

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.



Cassandra Moser

CASSANDRA MOSER, CLERK
LEWIS COUNTY BOARD OF LEGISLATORS
Dated: 10/5, 2022

(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: 10/5, 2022