

December 4, 2006

Finance Committee: 11-27-2006

RESOLUTION NO. 347-2006

ADOPTING LOCAL LAW B (NO. 2) FOR THE YEAR 2006, A LOCAL LAW PERMITTING AND REGULATING ALL - TERRAIN VEHICLE OPERATION ON CERTAIN PUBLIC LANDS OTHER THAN COUNTY ROADS

By Mr. MacKinnon, District 4
Co-Sponsored by Mr. Grow, District 13

BE IT ENACTED by the Board of Legislators of the County of St. Lawrence as follows:

Section 1. This Local Law shall be known as “County Land ATV Use Law”.

Section 2. Purpose and Findings

The purpose of this Local Law is to open certain public lands other than County roads for travel by all-terrain vehicles and to impose certain restrictions and conditions for the regulation and safe operation of ATVs on such public property pursuant to the authority granted in Section 2405 of the New York State Vehicle and Traffic Law. This Board has found that the use of all-terrain vehicles in St. Lawrence County has grown in recent years and St. Lawrence County has the highest number of registered ATVs in the State of New York. The County has furthermore, determined that the use of ATVs has thus far been largely without appropriate local regulations. Therefore, in an effort to give riders safe and legal trails, the County believes that this legislation is in the general overall public interest. This Board further finds that promoting opportunities for recreational use of all-terrain vehicles will stimulate the local economy and offer enjoyment for the citizens of the County and for tourists traveling in the area.

Section 3. Definitions

ATV: An all-terrain vehicle, as defined in Section 2228(1) of the New York State Vehicle and Traffic Law.

County: County of St. Lawrence

County Road: A highway designated as a County Road on the Official County Highway Map as provided by Section 115 of the Highway Law of the State of New York.

Designated Trail: An area specifically designated for use by ATV's by this Local Law.

Operator: “Operator” as defined by Section 2401(4) of the Vehicle and Traffic Law.

Owner: “Owner” as defined by Section 2401(3) of the Vehicle and Traffic Law.

St. Lawrence County Multi-Use Trail System: A system of trails suitable for use by ATVs operated by St. Lawrence County that includes developed trails on certain municipally, state, and privately owned lands and designated connecting highways.

Vehicle and Traffic Law: The Vehicle and Traffic Law of the State of New York.

Section 4. Designation of Public Lands for Travel by ATVs

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The following Public Lands are hereby designated as appropriate public lands as places open for travel by ATVs on County Reforestation Areas in the Towns of Parishville and Pierrepont as part of the St. Lawrence County Multi-Use Trail System: (Public Lands)

- a) County Reforestation Areas 12 and 14 on the Picketville Road.
- b) County Reforestation Area 21 on the Cook Road.
- c) County Reforestation Area 9 on the Russell Turnpike Road.
- d) County Reforestation Area 13 on the Cobble Road.
- e) County Reforestation Area 37 off the Russell Turnpike Road.
- f) County Reforestation Area 32 on River Road in Pierrepont and the Benson Road in Parishville.

Section 5. Closure of Public Lands for Travel by ATVs

a) County Reforestation Areas 19, 26, 27 and 28 in the Town of Colton and County Reforestation Area 33 on the Lenny Road in the Towns of Colton and Parishville are specifically closed to ATV use.

b) County Reforestation Areas 30, 31, and 35 on the River Road in the Towns of Pierrepont and Parishville, are specifically closed for ATV use, with the exception of a single trail for ATV use connecting the River Road with the Benson Road on Reforestation Area 35 which will be open to ATV use consistent with this law.

Section 6. Rules, Conditions, and Restrictions

The use of ATVs on the foregoing Reforestation Areas is subject to the following restrictions and conditions:

a) Designated Trails. ATV use under this Local Law shall be limited to only the Designated Trails on the specified Public Lands. ATV use on any area of the Public Lands other than the Designated Trails is strictly prohibited.

b) Hours of Operation. No person shall operate an ATV on a Designated Trail between the hours of 12:00 a.m. and 6:00 a.m.

c) Operation. ATV use under this Local Law shall be in compliance with all the applicable provisions of the Vehicle and Traffic Law and shall not preclude the availability of the designated trails for other public uses such as skiing, hiking and biking. ATV's shall at all times be operated on the designated trails in a reasonable and prudent manner at reasonable and prudent speeds so as not to pose a danger to either the operator nor any other user of the Designated Trails.

Section 7. Penalties

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Any person who violated any provisions of this Local Law shall be guilty of an offense as defined by Section 10.00 of the Penal Law of the State of New York, and the violator or offender shall be liable for a fine of not less than \$25.00 and not more than \$150.00 for the first offense; for a fine not less than \$50.00 and not more than \$200.00 for a second offense committed within two years from a previous conviction under this Local Law; and a fine of not less than \$100.00 nor more than \$500.00 for a third or subsequent offense all committed within three years.

Section 8. Severability

If any part of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision in 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 this Local Law or the application thereof to other persons or circumstances, and the Board of Legislators of the County of St. Lawrence hereby declares that it would have passed this Local Law or the remainder of it had such invalid application or provision been apparent.

Section 9. Posting of Designations

The Forester of the County of St. Lawrence shall install signs and markers identifying the Designated Trails. Said Superintendent shall also post signs on which shall appear the Rules, Conditions and Restrictions set forth in this Local Law, to the extent that such Rules, Conditions and Restrictions exceed those set forth in the Vehicle and Traffic Law.

Section 10. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

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Mr. MacKinnon moved to adopt Resolution No. 347-2006, seconded by Mr. Wilson and Mr. Grow, and carried unanimously by a roll call vote.