

December 4, 2006

Finance Committee: 11-27-2006

RESOLUTION NO. 348-2006

**ADOPTING LOCAL LAW C (NO. 3) FOR THE YEAR 2006, A LOCAL LAW
PERMITTING AND REGULATING ALL - TERRAIN VEHICLE OPERATION
ON CERTAIN 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 the “County Road ATV Use Law”

Section 2. Purpose and Findings

The purpose of this Local Law is to open for travel by all-terrain vehicles certain portions of the County Highway System pursuant to the authority granted in Section 2405 of the Vehicle and Traffic Law of the State of New York. This Board hereby finds that the opening of certain County Roads to ATV use is necessary in order for ATVs to access of trails adjacent thereto. This Board further finds that promoting opportunities for recreational use of all-terrain vehicles will stimulate the local economy and offer enjoyment to the citizens of the County and those 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 Bridge/Culvert: A County owned bridge or culvert on a town road designated for ATV Operation.

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 Road: A County Road, or portion thereof, designated for use by ATV's by this Local Law.

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

Operator: “Operator” as defined by Section 2401(4) 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,

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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. Designated Roads

The following County Roads, or the indicated portions thereof, are hereby designated as open to travel by ATV's:

- a) County Route 58 from Chappel Hill Road to the Ashton Road in the Town of Parishville.
- b) County Route 47 from Rutland Road to Barton Street in the Town of Parishville.

Section 5. Rules, Conditions, and Restrictions

The following rules, conditions and restrictions shall be applicable to all County Roads opened to ATV use pursuant to this Local Law.

- a) The utilization of County Roads by ATV's shall be only and solely for the purpose of traveling directly from one ATV trail or area to another.
- b) No Person shall operate an ATV on a Designated Road, between the hours of 12:00am and 6:00am.
- c) No person shall operate an ATV on a Designated Road, while within the corporate limits of a village, at a speed exceeding twenty miles per hour.
- d) No person shall operate an ATV on any part or portion of a Designated Road, other than on the traveled "roadway", unless the person is bringing the ATV to a stop, or has stopped the ATV.
- e) No person shall operate an ATV more than one abreast in a single lane on a Designated Road.
- f) No person shall operate an ATV in excess of the posted speed limit.
- g) All ATV use shall be in compliance with the applicable provisions of the Vehicle and Traffic Law.

Section 6. Penalties

Any person who violates 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 and no more than \$500.00 for a third or subsequent offense all committed

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within three years.

Section 7. 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 8. Posting of Designations and Regulations

In accordance with the requirements of 2405 of the Vehicle and Traffic Law, the Superintendent shall install signs and markers identifying the Designated Roads. Said Superintendent shall also post signs on which shall appear the regulations, conditions and restrictions set forth in this Local Law, to the extent that such regulations, conditions and restrictions exceed those set forth in the Vehicle and Traffic Law.

Section 9. Effective Date

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

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Mr. Grow moved to adopt Resolution No. 348-2006, seconded by Ms. Brothers, and carried unanimously by a roll call vote.