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COUNTY OF LEWIS

Local Law No. 4 of the Year 2020

A LOCAL LAW PERMITTING ALL-TERRAIN VEHICLE OPERATION ON APPROXIMATELY .65 MILES OF CERTAIN PORTIONS OF BURDICK'S CROSSING ROAD (CR 36)

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 Operation on approximately .65 miles of certain portions of Burdick's Crossing Road (CR 36)".

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 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. 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 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 Trails and Interconnecting County Roads for Use by ATV's dated April 21, 2020, which has been submitted to the Board of Legislators identifying the segments of CR 36 that are proposed to be opened to ATV traffic and providing a description of the trails or areas that are adjacent to such road portions and the justification for same as required by Vehicle & Traffic Law § 2405.

3. The Board of Legislators has conducted 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, has found and determined that adding these portions of CR 36 to the Lewis County Trail ATV System will not result in a significant environmental impact.

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

5. The County Highway Superintendent has reviewed the portions of CR 36 that are proposed to be opened to ATV 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 traffic will not significantly impact traffic safety at this locality.

6. In light of all the information submitted, reviewed and/or received during the public hearing, the Board of Legislators hereby determines and finds that as the result of a private property owner determining to no longer provide trail access on his/her property along Burdick's Crossing Road, it is otherwise impossible for ATV's to gain access from Route 12 to the Lewis County Off Road Trail System (290.00-04-17) to the property owned by Pominville (290.00-01-3.171), without opening certain portions of CR 36; a total distance of .65 as hereinafter described in this Local Law.

SECTION V. AMENDED DESIGNATION OF HIGHWAYS.

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

a. That certain portion of Burdick's Crossing Road (CR 36), beginning at the intersection of State Route 12 then easterly a distance of approximately .07 miles to the off-road recreational trail on property now owned by Dorothy Dekin (290.00-04-15.0);

b. That certain portion of Burdick's Crossing Road (CR 36), beginning at the Lewis County Off-Road Recreational Trail (290.00-04-17.00), then easterly a distance of approximately .24 miles to the off-road trail on property now owned by Zumean LLC. (290.00-04-9.2);

c. That certain portion of Burdick's Crossing Road (CR 36), beginning at the off-road recreational trail on property now owned by Jack Mezey, Jr. (290.00-04-9.111), then easterly a distance of approximately .34 miles to the off-road recreational trail on property now owned by Darren Pominville (290.00-01-3.171).

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 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 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 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. 4 of 2020, of the County of Lewis was duly passed by the Lewis County Board of Legislators on June 2, 2020, 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.~~

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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.

~~**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.

(Seal)

CASSANDRA MOSER, CLERK
LEWIS COUNTY BOARD OF LEGISLATORS
Dated: June 4, 2020

(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, ESQ.
LEWIS COUNTY ATTORNEY
Dated: June 4, 2020