

# Local Law Filing

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(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~~  
~~City~~ of Red Creek  
~~Town~~  
~~Village~~

Local Law No. 1 of the year 20 18

A local law regulation of ATVs and snowmobiles  
*(Insert Title)*  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Village Board of Trustees of the  
*(Name of Legislative Body)*

~~County~~  
~~City~~ of Red Creek as follows:  
~~Town~~  
~~Village~~

## **SECTION 1: LEGISLATIVE INTENT**

The purpose of this local law is to protect the public health, welfare, and safety by regulating the operation of ATVs and snowmobiles on sidewalks and public highways in the Village of Red Creek in a manner which will promote the safe and proper use of snowmobile for recreation and commerce, and minimize detrimental effects of such use, on the environment.

## **SECTION 2: DEFINITIONS**

For the purpose of this local law, the word and phrases used herein are defined as follows:

ATV (“ALL-TERRAIN VEHICLE) – shall mean an all-terrain vehicle as defined in Section 2281(1) of the Vehicle and Traffic Law of the State of New York.

SHOULDER OF ROAD – That portion of highway immediately adjacent to the right side of a roadway which is customarily used for emergency travel and parking.

SNOWMOBILE – Any self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.

VILLAGE – The Village of Red Creek, New York.

### **SECTION 3: OPERATION ON VILLAGE HIGHWAYS**

- A. ATVs and snowmobiles shall not be operated on state, county, or village highways, streets or sidewalks.
- B. Notwithstanding the prohibition set forth in Section 3(A), the use and operation of snowmobiles shall be permitted on an established marked trail within the Village of Red Creek. The marked trail shall be at the intersection of Furnace Street and Church Street and the established trail. It shall go toward downtown along Church Street to Cross Street to the parking lot at the center of the Village. Snowmobiles are restricted in the following manner: to travel on the shoulder of the street, speed not in excess of 15 mph and at a noise level that does not interfere with domestic tranquility, i.e., snowmobiles must have an operating noise abatement device to decrease noise from the engine.

### **SECTION 4: PARKS AND OTHER PUBLIC LANDS, OTHER THAN STREETS AND HIGHWAYS**

The use and operation of ATVs and snowmobiles is strictly prohibited within any Village Park, any playground, and any other public land in the Village of Red Creek, except where posted for such permissive use by and through Resolution of the Village Board of Trustees, and then only in conformance with the terms and conditions stated for such use.

### **SECTION 5: OPERATION ON VILLAGE SIDEWALKS**

The use and operation of a snowmobile within the Village on any sidewalk is strictly prohibited.

### **SECTION 6: OPERATION ON CORPORATE LIMITS**

No snowmobile or ATV shall be operated within the corporate limits of the Village of Red Creek between the hours of 10:00 p.m. and 6:00 a.m.

### **SECTION 7: OPERATION ON PERSONAL PROPERTY**

No snowmobile or ATV shall be operated on any private property in the Village of Red Creek without express consent of the owner thereof.

### **SECTION 8: SEVERABILITY**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate to reminder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgements shall have been rendered.

## **SECTION 9: OFFENSES; PENALTIES FOR OFFENSES**

In addition to any penalty contained in any other provision of law, any person who shall violate any provision of this local law shall be subject by fine of not less than two hundred fifty (\$250.00) dollars nor more than five hundred (\$500.00) dollars.

## **SECTION 10: ENFORCEMENT**

Enforcement of a violation of this local law shall be initiated by appearance ticket. The following individuals are authorized to issue appearance tickets for the enforcement of this local law; State Police Officer, County Sheriff, Village Mayor or Village Trustee, Village Safety Officer, Conservation Officer, Parks and Recreation Officer, or by any other law enforcement officer or other person so designated by the Village Board of Red Creek.

## **SECTION 11: EFFECTIVE DATE**

This local law shall take effect immediately upon adoption and shall thereafter be filed with the Secretary of State pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

(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. 1 of 2018 of the ~~(County)(City)(Town)~~ (Village) of Red Creek was duly passed by the Village Board of Trustees on August 8, 2018, 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 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)(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 subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provision 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 chairperson 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 of the General Election of November \_\_ 20\_\_, pursuant to 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 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.

\_\_\_\_\_  
SUSAN SAYLOR, VILLAGE CLERK

(Seal)

Date: \_\_\_\_\_

**(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 OSWEGO

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

\_\_\_\_\_  
Allison J. Nelson  
Town Attorney  
Title

County  
City  
Town of Red Creek  
Village

Date: \_\_\_\_\_