**LOCAL LAW NO. 1 FOR THE YEAR 2016**

**A LOCAL LAW PERMITTING AND REGULATING**

**ALL-TERRAIN VEHICLE OPERATIONS ON**

**CERTAIN PUBLIC ROADS OF THE TOWN OF**

**PARISHVILLE, NEW YORK**

 BE IT ENACTED by the Town Board of the Town of Parishville, New York, as follows:

 Section 1. This local law shall be known as the “Town of Parishville, New York, 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 additional portions of the Town of Parishville, New York’s highway system pursuant to the authority granted in Section 2405(1) of the Vehicle and Traffic Law of the State of New York. This Board hereby finds that the opening of certain town roads and portions thereof to ATV use and travel is necessary in order for ATVs to gain access to areas and/or trails adjacent thereto which would otherwise be impossible to access without the use of such town highways. This Town Board further finds that promoting opportunities for recreational use of all-terrain vehicles and the regulation of same is in the public benefit, will stimulate the local economy and will offer enjoyment to the citizens of the town and to others traveling to this area including tourists.

Section 3. Definitions

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

 Town: Town of Parishville, New York.

 Town Road: A highway designated as a town road on the official Town Highway Map of the Town of Parishville, New York.

 Town Bridge: A Town of Parishville, New York owned bridge on a town road designated for ATV operation.

 Designated Road: A town road or a portion thereof designated by this Local Law for use and for travel by ATVs.

 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.

 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.

 St. Lawrence County Multi-Use Trail System: A system of trails suitable for use by ATVs operated by St. Lawrence County that includes developed trials 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. Designated Roads

 The following town roads or the indicated portions thereof are hereby designated as open to travel by ATVs, the Town Board of the Town of Parishville, New York, having specifically determined that it is otherwise impossible for ATVs to gain access to areas or trails adjacent to said designated roads other than by the use of such designated roads:

Those roads set forth upon Schedule A hereto annexed pertaining to the “Brasher Community Connector St. Lawrence County Multi-Use Trail.”

Section 5. Rules, Conditions and Restrictions

 The following rules, conditions and restrictions shall be applicable to all town roads opened to ATV use pursuant to this local law.

 1. The utilization of designated roads by ATV’s shall be only and solely for the purpose of traveling directly from one ATV trail or area to another.

 2. No person shall operate an ATV on a designated road, between the hours of 12:00 a.m. and 6:00 a.m.

 3. No person shall operate an ATV on a designated road, while within the hamlet of Parishville, at a speed exceeding twenty miles per hour.

 4. No person shall operate an ATV on the shoulder of or 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.

 5. No person shall operate an ATV more than one abreast but shall be in a single lane on a designated road.

 6. No person shall operate an ATV in excess of the posted speed limit, 30 miles per hour maximum.

 7. All ATV use shall be in compliance with the applicable provisions of the Vehicle and Traffic Law.

 8. No town roads shall be used by ATV’s except those so designated in this local 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 nor more than $500.00 for a third or subsequent offense all committed 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 of 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 Town Board of the Town of Parishville, New York, 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 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 9. Effective Date

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

Schedule A

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| **Road/Area** | **Town** | **Length** | **Description** |
| Catherinesville Road | Parishville | .6 mile | Start at Sylvan Falls Rd intersection and extend east to the Parishville-Hopkinton Town Line |
| Benson Road | Parishville | 1.25mile | From the end of the Benson Road/Pumpkin Hill Road intersection to the SLC Land parcel Pilot Trail |
| Pumpkin Hill Road | Parishville | .35 mile | From the Benson Road to the Parishville/Pierrepont Township Line |
| Russell Turnpike | Parishville | .5 mile | Benson Road to the Parishville/Pierrepont Township Line |
| White Hill Road | Parishville | 3.4 mile | Section from the southern Hopkinton/Parishville township line to the Gold Mine Trail Entrance |
| Total number of miles to be opened |  | 6.10 miles |  |

There are approximately 6.10 miles of roads, in the aggregate, set forth above.