

Local Law Filing

New York State Department of State
162 Washington Avenue, Albany, New York 12231

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.

Town of RUSSELL

Local Law No. 1 of the year 2024

A local law Repealing Local Law Number 2 for the year 2018 and Permitting and Regulating All-Terrain Vehicle Operation on Certain Town Roads.

Be it enacted by the Town Board of the
(Name of Legislative Body)

Town of Russell as follows:

Local Law Number 2 for the year 2018 is hereby repealed and the following shall be enacted:

Section 1. This local law shall be known as the “Town 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 Town Road and 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 Town roads to ATV use is necessary in order for ATVs to access 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 Town 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.

Town: The Town of Russell, County of St. Lawrence, New York

Town Bridge/Culvert: A Town-owned bridge or culvert on a Town road designated for ATV operation.

Designated Road: A Town road, or portion thereof, designated for use by ATVs 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 municipal, 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:

Road	Length	Description
Dutton Road	2.07 Miles	County Route 27 to County Route 25
West Road	3.33 Miles	County Route 25 to Pyrites-Russell Road
Russell-Pyrites Road	2.00 Miles	West Road to County Route 24
Pestle Street Road	3.49 Miles	Lazy River Road to County Route 24
Lazy River Road	2.56 Miles	Pestle Street Road to Hermon Town Line
McCarthy Road	0.60 Miles	To Silver Hill Road
Silver Hill Road	1.3 Miles	To County Route 17
Dana Hill Road	2.5 Miles	Beginning at County Route 17

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.

- a) The utilization of Town roads by ATVs 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 12:00 a.m. and 6:00 a.m.
- c) No person shall operate an ATV on a designated road while within the corporate limits of the Town at a speed exceeding 20 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. 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 involving 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 Russell hereby declares that it would have passed.

Section 7. Posting of Designations and Regulations

In accordance with the requirements of Section 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.

(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 2024 of the Town of Russell was duly passed by the Town Board on ~~August 17~~, September, 2024, 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 disapproved)(repassed after disapproval) by the _____ and _____ (Elective Chief Executive Officer*) 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 the Town of _____ was duly passed by the _____ on _____, 20____ (Name of Legislative Body) and was approved by the _____ on _____, 20____ (Elective Chief Executive Officer*)

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 _____, 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 disapproved)(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.

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.

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 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)

Darcie Cross
Clerk of the County legislative body, City, Town or Village
Clerk or officer designated by local legislative body.
Darcie Cross, Clerk
Date: August 17, 2024
September

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
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COUNTY OF ST. LAWRENCE)

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.

Henry J. Leader
Henry J. Leader, Esq.
Town Attorney
Town of Russell
Date: August 20, 2024
September