

LOCAL LAW NO. 4-1980
CHAUTAUQUA COUNTY

A Local Law Regulating and Restricting the Use of County Trails and County Reforestation and
Park Properties

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York as follows:

I. LEGISLATIVE FINDINGS AND INTENT

Resolution No. 149-76, as amended, was duly enacted to establish rules and regulations concerning the use of County Trails to protect said trails from physical damage and erosion and to protect the physical safety of members of the public using said trails.

The Chautauqua County Legislature finds that undesirable and objectionable activities are also occurring on County Reforestation properties, causing physical damage to said property and impairing legitimate uses of said properties by the taxpayers whom dollars support said properties. These activities have also created alarm and concern among landowners and County residents living near County Reforestation Properties.

It is the intent of this Local Law to establish rules and regulations covering both County Trails and County Reforestation Properties for the purposes of protecting the physical and aesthetic qualities of these lands and to promote and protect the physical safety of members of the public using or living near these lands.

II. DEFINITIONS

A. "County Trail" – any designated pathway or area of land possessed, maintained, supervised and managed by the County of Chautauqua through the Department of Public Works, and which is designated for hiking and other park purposes set forth by the Chautauqua County Legislature.

B. "County Reforestation or Park Property" – any lands, owned, maintained, supervised and managed by the County of Chautauqua pursuant to and for the purposes set forth in Sections 219 (1) and 221 of the County Law.

C. "Motor Vehicle" - every vehicle including motor-driven cycles, motorcycles, mopeds, and snowmobiles, except power-driven wheelchairs being driven or operated by or for the benefit of a handicapped person, operated by a power other than muscular power.

D. "Authorized Official Vehicle" – every vehicle operated by a governmental entity, including, but not limited to, police, fire, fire rescue and ambulance service, environmental conservation department or service, or any officer or employee thereof for official purposes. This definition shall also include vehicles owned and operated by any governmentally sanctioned private ambulance, emergency rescue or fire service and any public utility.

E. "Alcoholic beverage" – as now or hereafter defined by Section 3 (1) of the Alcoholic Beverage Control Law.

F. "Dangerous drug" – as now or hereafter defined by Section 220 of the Penal Law.

III CERTAIN ACTS PROHIBITED

A. No person shall use, operate, or store a motor vehicle upon any portion of a County Trail at any time, except as otherwise provided by this Local Law.

B. No person shall use, operate or store a motor vehicle upon any portion of a County Reforestation or Park Property when the Department of Public Works has prohibited such use, operation or storage of a motor vehicle in accordance with the provisions of Section IV (A) of this Local Law.

C. No person shall camp for a period exceeding twenty-four (24) hours at any designated campsite or area on or immediately adjacent to any County Trail or County Reforestation or Park Property unless such person shall first have obtained a permit for camping in excess of twenty-four (24) hours from the Department of Public Works. No person shall camp at any site or area unless such site or area has been specifically designated and posted as a camping area.

D. No person shall ignite or maintain any fire on or immediately adjacent to a County Trail or County Reforestation or Park Property, except in an area specifically designated and posted for campfires.

E. No person shall deposit, discard, dump or otherwise dispose of any garbage, refuse, trash, litter, rubbish or debris on or alongside any County Trail or County Reforestation or Park Property at any location other than sites or containers provided and maintained for such deposits.

F. No person shall injure, deface, disturb, damage or defoul any portion or area of a County Trail or County Reforestation or Park Property or any building, facility, equipment, sign or other property located and maintained thereon, nor shall any person remove, injure, or destroy any tree, flower, fern, shrub or other plant on any County Trail or County Reforestation or Park Property.

G. No person shall use any threatening, abusive, obscene or insulting language to any other person; perform any obscene or indecent act; interfere with, obstruct or render dangerous any portion or area of a County Trail or County Reforestation or Park Property; throw or hurl any dangerous object or missile; or do or perform any act amounting to a breach of the peace or disorderly conduct on any such Trail or Property.

H. No person shall consume, possess, transport or use any alcoholic beverage on any County Trail or County Reforestation or Park Property between the hours of 8:00 p.m. and 10:00 a.m. nor shall any person consume, possess, transport or use any dangerous drug on any such Trail or Property.

I. No group of ten (10) or more person shall enter upon, remain upon or use any portion or area of a County Trail or County Reforestation or Park Property unless such group shall first have obtained a group permit from the Department of Public Works.

J. Every person shall comply with the reasonable request, demand, direction or order of any governmental official acting in an official capacity and with directions or signs controlling use of County Trails and County Reforestation or Park Properties.

IV. CERTAIN ACTS AUTHORIZED; EXCEPTIONS

A. The Department of Public Works may restrict or prohibit the use, operation or storage of motor vehicles on any portion or area of County Reforestation or Park Property when such use, operation or storage would substantially interfere with or damage any natural man-made wildlife refuge or habitat, would substantially cause damage, defacement or injury to any area within such property, and/or would substantially endanger the physical safety or members of the public using such Property.

B. The provisions of Sections III (A) and (B) shall not apply to the use, operation or storage of any Authorized Official Vehicle on any County Trail or County Reforestation or Park Property for official purposes or of any privately-owned vehicle whose use, operation or purposes or of any privately-owned vehicle whose use, operation or storage is permitted by the provisions of a contract, permit, agreement, license or easement granted to the owner or operator of such vehicle by the County of Chautauqua.

C. The Department of Public Works, in consultation with the County Park Commission, may exempt any portion or area of a County Trail from the provisions of Sections III (A) and/or (B) of this Local Law when said Department deems such portion or area to be suitable for the use, operation or storage of motor vehicles and/or horseback riding.

D. Section III of this Local Law shall not apply to those lands owned by the State of New York and possessed and used by the County of Chautauqua under permit, license or easement when the provisions of said Section are inconsistent with or superseded by state statute, rule or regulation.

E. The Department of Public Works is hereby authorized and directed to establish and administer a system for the orderly receipt of request for and granting or denial or permits required by Sections III (C) and (I) of this Local Law.

V. ENFORCEMENT AND PENALTIES

A. The Clerk of the Legislature is hereby authorized and directed to file or cause to be filed in the office of each town, village and city clerk within the County of Chautauqua a certified copy of this Local Law.

B. The Department of Public Works is hereby authorized and directed to post or to cause to be posted at conspicuous locations on or adjoining all County Trails and County Reforestation or Park Properties, appropriate notices or signs advising the public of the provisions of this

Local Law. Said Department shall further advise the public of said provision through the use of pamphlets and brochures, press releases and other available means of mass communications.

C. A violation of any of the provision of Section II of this Local Law shall constitute a violation punishable by a fine not exceeding the use of One Hundred Dollars (\$100.00) and/or by imprisonment not exceeding fifteen (15) days.

VI. SEVERABILITY; SAVINGS CLAUSE

If any clause, sentence, phrase, paragraph or section of this Local Law shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgement shall not impair, invalidate or affect the remaining provision of this Local Law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or section directly involved in the proceeding or action in which such judgement shall have been rendered. It is hereby declared to be the intent of the Chautauqua County Legislature that the remainder of this Local Law would have been adopted had such provision not been included.

SECTION VII. EFFECTIVE DATE; REPEAL OF PRIOR ENACTMENT

This Local Law shall take effect on the date of its filing in the office of the Secretary of State.

Resolution No. 149-76, as amended, is rescinded as of the effective date of this Local Law.

Adopted by Legislature 7/11/80
Adopted as Local Law 4-80

R/C Vote: 22 Yes; 3 Absent
Effective 7/28/80