

By Legislators Brew and DiFlorio

Intro. No. 236

MOTION NO. 57 OF 2021

**PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE
SUSPENDED AND MODIFIED FOR THE SPECIAL MEETING ON MAY 25, 2021**

Be It Moved, that Article II, Section 545-6 of the Rules of the Monroe County Legislature, be, and hereby is suspended and modified by prohibiting public in-person access to the Special Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

ADOPTION: Date: May 25, 2021

Vote: 27-0

By Legislators Felder and Flagler-Mitchell

Intro. No. 237

MOTION NO. 58 OF 2021

PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021) ENTITLED, "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," BE ADOPTED AS AMENDED

BE IT MOVED, that Local Law (Intro. No. 175 of 2021) entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County," be Adopted as Amended

File No. 21-0164.LL

ADOPTION: Date: May 25, 2021

Vote: 29-0

By Legislators Barnhart and Morelle, Jr.

Intro No. 238

MOTION NO. 59 OF 2021

PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021, AS AMENDED BY MOTION NO. 47 OF 2021) ENTITLED, "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," BE AMENDED

BE IT MOVED, that Local Law (Intro. No. 175 of 2021, as amended by Motion No. 47 of 2021), entitled "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," be amended as follows:

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

CHAPTER 314, OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY

§ 314-1 **Title.** This chapter shall be known as the law "Operation of Off-Road Vehicles on Public Highways in Monroe County."

§ 314-2 **Legislative Intent.** The Legislature hereby finds that:

- A. The use of off-road vehicles on public highways are a threat to the safety of pedestrians, motorists, and bicyclists.
- B. Law enforcement has requested assistance from the Legislature, in the form of a local law, giving law enforcement the power to impound illegally operated off-road vehicles.
- C. Many off-road vehicle operators and passengers are not equipped with proper protective gear.
- D. The health, safety and well-being of the citizens of Monroe County is furthered by curtailing the illegal and unsafe use of off-road vehicles on public highways.

§ 314-3 **Definitions**

- A. **Off-Road Vehicle.** Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic Law, and motocross or dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but not including non-motorized bikes.
- B. **Operate.** To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicles in any manner regardless of if said off-road vehicle is underway.
- C. **Public Highway.** Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

§ 314-4 Unlawful Conduct and Hazardous Operation of Off-Road Vehicles.

- A. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Monroe County.
- B. No person shall operate an ATV or any vehicle on the roadways of the County of Monroe unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorized government officials, the Monroe County Sheriff's Office, the Rochester Police Department, the New York State Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives, in furtherance of their official duties.

§ 314-5 Operation of Off-Road Vehicles in County Parks. Chapter 323 of the General Local Laws of Monroe County shall continue to govern the use of off-road vehicles in Monroe County parks.

§ 314-6 Required Protective Gears:

- A. Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

§ 314-7 Penalties:

- A. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of § 314-4 or § 314-6.
- B. Any off-road vehicle impounded pursuant to this section shall be stored by the pertinent police department or enforcement agency pending identification of the owner.
 - 1. Proof of Ownership. Acceptable proof of ownership are:
 - a. For a new off-road vehicle – the Manufacturer's Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or,
 - b. For a used off-road vehicle – a completed "Certification of Sale or Transfer" (MV-51) plus the MCO or MSO; or, a New York State transferable registration signed over to the current operator by the previous owner;
 - c. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a "Statement of Ownership" through the Department of Motor Vehicle (MV-51B).
 - 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request.
 - 2. Off-Road Vehicles Without Required Registration
 - a. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner.
- C. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
- D. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.

- E. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$500 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law, or \$2,000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- F. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.
- G. Each law enforcement agency shall keep a record of all Off-Road Vehicles it confiscates under this Chapter, including the owners' age, race and gender, and any fines paid, and submit a quarterly report of these records to the Monroe County Legislature.

§ 314-8 **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 2. This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law and the Monroe County Charter.

Added language by this motion is underlined

Deleted language by this motion is ~~stricken~~

File No. 21-0164.LL

FAILED: Date: May 25, 2021

Vote: 10-19

(Legislators Barnhart, Bauroth, Baynes, Hasman, LaMar, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.)

By Legislators Baynes and Roman

Intro. No. 239

MOTION NO. 60 OF 2021

PROVIDING THAT INTRO. NO. 237 OF 2021 BE TABLED

Be It Moved, that Intro. No. 237 of 2021 be, and hereby is, tabled.

File No. 21-0164.LL

FAILED: Date: May 25, 2021

Vote: 8-21

(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Roman, Wilcox and Yudelson Voted in the Positive.)

By Legislators Brew, DiFlorio, Felder, Flagler-Mitchell, Keophetlasy, LaMar and Lee

Intro. No. 240

MOTION NO. 61 OF 2021

PROVIDING THAT THE VETO BY THE COUNTY EXECUTIVE OF RESOLUTION NO. 169 OF 2021, AS AMENDED BY MOTION NO. 53 OF 2021, BE OVERRIDDEN

BE IT MOVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN THREE-FIFTHS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, that the Veto by the County Executive of Resolution No. 169 of 2021 be, and hereby is, overridden.

File No. 21-0165

ADOPTION: Date: May 25, 2021

Vote: 20-9

(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)

By Legislators Felder and Flagler-Mitchell

Intro. No. 241

MOTION NO. 62 OF 2021

PROVIDING THAT THE QUESTION BE CALLED ON INTRO 240 OF 2021

Be It Moved that the question be, and hereby is called on Intro. No. 240 of 2021.

File No. 21-0165

ADOPTION: Date: May 25, 2021

Vote: 20-8

(Legislators Barnhart, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative; Legislator Bauroth Abstained.)

By Legislators Brew and DiFlorio

Intro. No. 242

MOTION NO. 63 OF 2021

PROVIDING THAT FILE NOS. 21-0170 THROUGH 21-0173, 21-0175 THROUGH 21-0181, 21-0183 THROUGH 21-0205, AND 21-0207 THROUGH 21-0208 BE DISCHARGED FROM THE AGENDA/CHARTER, PUBLIC SAFETY, PLANNING AND ECONOMIC DEVELOPMENT, RECREATION AND EDUCATION, INTERGOVERNMENTAL RELATIONS, TRANSPORTATION, HUMAN SERVICES, ENVIRONMENT AND PUBLIC WORKS, AND WAYS AND MEANS COMMITTEES; PROVIDING THAT THE LEGISLATURE CONVENE A COMMITTEE OF THE WHOLE; PROVIDING THAT FILE NOS. 21-0170 THROUGH 21-0173, 21-0175 THROUGH 21-0181, 21-0183 THROUGH 21-0205, AND 21-0207 THROUGH 21-0208 BE COMMITTED TO THE COMMITTEE OF THE WHOLE

Be It Moved, that File Nos. 21-0170 through 21-0173, 21-0175 through 21-0181, 21-0183 through 21-0205, and 21-0207 through 21-0208 be, and hereby are Discharged from the Agenda/Charter, Public Safety, Planning and Economic Development, Recreation and Education, Intergovernmental Relations, Transportation, Human Services, Environment and Public Works;

Be It Moved, that this Legislature be, and hereby does convene a Committee of the Whole in accordance with the Rules of the Monroe County Legislature;

Be it Moved, that File Nos. 21-0170 through 21-0173, 21-0175 through 21-0181, 21-0183 through 21-0205, and 21-0207 through 21-0208 be, and hereby are Discharged to the Committee of the Whole.

ADOPTION: Date: May 25, 2021

Vote: 29-0