



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

October 21, 2004

RANDY A. DANIELS
SECRETARY OF STATE

Sullivan & Leyden, PC
110 North Main Street
Wayland, NY 14572

RE: Village of Cohocton, Local Law 3, 2004, filed on 10/14/2004

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

Village of Cohocton

Local Law Numbered 3 of the year 2004

A Local Law restricting the use of bicycles, skates, skateboards and scooters

Be It enacted by the Board of Trustees of the Village of Cohocton as follows:

I. DEFINITIONS

As used in this local law, the following words shall have the following meanings:

- **BICYCLE** Every device propelled by human power upon which a person may ride having two or more tandem wheels
- **SKATEBOARD** A single platform mounted on wheels which is designated to be propelled by human power
- **SCOOTER** A single platform mounted on wheels which is designated to be propelled by human power
- **SKATE**
INLINE SKATE
ROLLERBLADE Any wheeled device attached to the feet which is designated to be propelled by human power
- **OPERATE** To ride upon, drive, propel, or otherwise convey oneself or others by use of a bicycle, skate, skateboard, scooter or skates
- **RECKLESS** The term "reckless" shall have the same meaning as defined in the Penal Law of the State of New York under Article 15.05, Sub-division 3.
- **BUSINESS**
DISTRICT The area encompassed by Maple Avenue from Wheeler Street to NYS Route 415

II. PROHIBITED OR RESTRICTED AREAS OF USE

a) Skate, Skateboard and Scooter Operation Prohibited

No person shall operate a skate, skateboard or scooter on any street, sidewalk, public way, or on any public lands within the area encompassed by the following streets:

- Maple Avenue from Allen Street to Hill Street
- Hill Street at the Cemetery to NYS Route 415

- b) Bicycle Operating Prohibited
No person shall operate a bicycle on any sidewalk located on either side of the following streets:
- Maple Avenue from Allen Street to Hill Street
 - Hill Street at the Cemetery to Main Street except through traffic to/from the business district.
- c) In all other areas within the Village of Cohocton, the operating of bicycles, skates, skateboards and scooters in a reckless manner is hereby prohibited.

III. PENALTIES

- a) Any person violating any provision of this local law shall be guilty of a violation and upon conviction thereof shall be subject to a fine not to exceed \$50.00 for the first offense, and not more than \$100.00 for each offense thereafter.
- b) Pending the adjudication of the alleged violation of this local law, the instrument so used by the alleged violator shall be subject to immediate seizure and impoundment.
- c) Upon conviction of a violation of this local law, the court, following a hearing upon notice to the violator and to his/her parent(s) or legal guardian(s), if any, in its discretion, shall direct the return of the instrument to its owner under such terms and conditions as it deems appropriate, if any, or may retain the instrument permanently.
- d) Upon a third or subsequent violation of this local law, the instrument so used shall be seized permanently by the court following a hearing upon notice to the violator and to his/her parent(s) or legal guardian(s), if any.
- e) Any instrument so permanently seized, as provided herein, may be returned to the violator, in the interest of justice, and for good cause shown, following a hearing before the Board of Trustees of the Village of Cohocton, pursuant to a written request for such hearing by the violator and/or his/her parent(s) or legal guardian(s).

IV. SEVERANCE

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

V. EFFECTIVE DATE

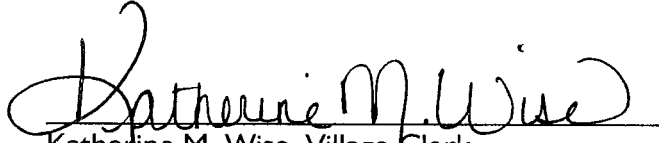
This local law shall take effect immediately upon filing with the New York State Secretary of State.

CERTIFICATION

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2004 of the Village of Cohocton was duly passed by the Board of Trustees on September 15, 2004. Such local law was submitted to the people by reason of a referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at a election held on , in accordance with the applicable provisions of law.

Dated: 9/15/04


(Seal)


Katherine M. Wise, Village Clerk

CERTIFICATION

I 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.

Dated: 9/30/04


John F. Leyden
Village Attorney
Village of Cohocton