

Rec'd 9-30-2021

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR
ROSSANA ROSADO
SECRETARY OF STATE

September 24, 2021

Lawrence J Schwind
Lacy Katzen LLP
1101-C English Road
Rochester NY 14616

RE: Village of Hilton, Local Law 1 2021, filed on September 21, 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Joseph M. Lee, Mayor

TRUSTEES •
Andrew J. Fowler
Sherry A. Farrell
Larry W. Speer
Shannon Zabelny

Shari Pearce Village Manager/Clerk
Jeff Pearce Supt. of Public Works

VILLAGE OF HILTON

59 HENRY STREET
HILTON, NY 14468

(585) 392-4144
(585) 392-5620 Fax
voh@hiltonny.org



August 24, 2021

Larry Schwind, ESQ.
1101-C English Rd
Rochester, NY 14616

Dear Larry:

Please find the enclosed Local Law #1, 2021 which was adopted by the Hilton Village Board on February 3, 2021. Please sign and file it with the Secretary of State on our behalf.

Thank you for your assistance on this matter.

Sincerely,


Amy Harter, Deputy Clerk
Village of Hilton

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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.

County City Town Village
(Select one:)

of Hilton

Local Law No. 1 of the year 2021

A local law To replace Chapter 259, Recreational Vehicles of the Hilton Code in its entirety.
(Insert Title)

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

County City Town Village
(Select one:)

of Hilton as follows:

SECTION 1:

Replace Chapter 259, Recreational Vehicles of the Hilton Code in its entirety. See attached for verbiage.

Section 2: This Local Law shall become effective upon publication with the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. _____ of 2021 of the ~~(County)~~(City)~~(Town)~~(Village) of Hilton _____ was duly passed by the Village Board of Trustees on February 2, 2021 _____ in accordance with the applicable ~~(Name of Legislative Body)~~ 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____, as was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20____ in accordance with the applicable provisions of the law.

3. (Final adoption by 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____, as was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) 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 _____ 20____, in accordance with the applicable provisions of the law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting information.)

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____, as was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such local ~~(Elective Chief Executive Officer*)~~

law was submitted to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of the 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 chairperson 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.)

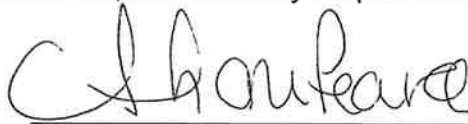
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ 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 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.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by the local legislative body

(Seal)

Date: 2/4/2021

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

STATE OF NEW YORK
COUNTY OF MONROE

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.

Signature

Village Attorney
Title

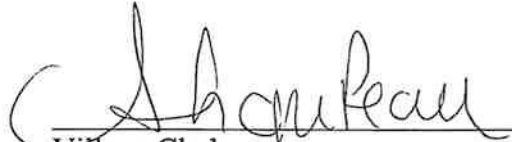
County _____
City _____
Town of Hilton
Village _____

Date: _____

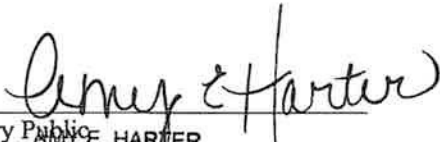
STATE OF NEW YORK)
COUNTY OF MONROE)

Shari Pearce, being duly sworn, deposes and says:

I am the Clerk of the Village of Hilton. On the 3 day of February 2021,
I posted the attached local law conspicuously at the main entrance to the office of the
Village Clerk.


Village Clerk

Sworn before me this 3 day of February, 2021


Notary Public
AMY E. HARTER
Notary Public, State of New York
Qualified in Monroe County
Reg. No. 01HA6054695
My Commission Expires Feb. 12, 2023

**Village of Hilton
NOTICE OF
LOCAL LAW
ADOPTION**

Please take notice that on February 2, 2021, the Village of Hilton Board of Trustees adopted Local Law #1, 2021 as follows:

To replace Chapter 259, Recreational Vehicles of the Hilton Code in its entirety.

§ 259-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

RECREATIONAL MOTOR VEHICLE

Expressly limited to "off road" vehicles such as minibikes, trail bikes, motor scooters, dune buggies and swamp buggies and any other similar motor vehicle of the type that is normally used on land for recreation, entertainment, or pleasure. The use of the lawn mower, powered garden vehicles, other similar utilitarian domestic vehicles and vehicles required to be registered with the DMV are specifically excepted here from.

§ 259-2 Purpose.

It is the purpose of this chapter to preserve and promote the health, safety and general welfare of those inhabitants of the Village of Hilton who wish to use and operate Recreational Motor Vehicles on private property or municipal property. It is also the purpose of this chapter to prevent those inhabitants of the Village of Hilton who wish to use and operate Recreational Motor Vehicles from trespassing on public or private property in the village of Hilton, from annoying inhabitants and from creating a public nuisance.

§ 259-3 Prohibitions

It shall be unlawful to operate or for the owner to permit the operation of any Recreational Motor Vehicle as defined in §259-1.

- A. On the private property of another without the express prior written consent of the owner and the occupant of said property. Such consent may be revoked at any time by the granter thereof. Where such express prior written consent has been obtained, the operator or person at the site responsible for such operation shall keep said consent on his person and available for immediate display at all times during the period of such operation. Excepted from the operation of this subsection are any private clubs or other organizations that permit the operation of Recreational Motor Vehicles on their property in connection with the principal use of said property by members of such club or organization.
- B. On any public grounds or property, including Village-owned land, which shall include but not be limited to parks; ball parks; recreation areas; Village-owned streets, easements and sidewalks or areas dedicated to or commonly used for vehicular or pedestrian traffic; Village storage facilities; garage areas; and Board of Education lands, unless specifically designated, set aside and reserved therefor by resolution of the Village Board.

- C. In such manner as to create loud or unnecessary noise so as to unnecessarily disturb or interfere with persons in the peaceful and quiet enjoyment of their property. To this end, no person shall operate a Recreational Motor Vehicle before the hour of 9:00 a.m. and after one hour before sundown or 7:00 p.m., whichever is earlier.
- D. In a careless, reckless or negligent manner so as to endanger the safety or property of any person.
- E. While in an intoxicated condition or under the influence of narcotics or drugs as defined by §1194 of the Vehicle and Traffic Law.

§ 259-4 Enforcement:

The Monroe County Sheriff's Department and /or any Law Enforcement Officer with jurisdiction in the Village of Hilton.

§ 259-5 Confiscation of vehicles:

Any member of the Monroe County Sheriff's Department or any other law enforcement officer who shall encounter any person operating a Recreational Motor Vehicle or conveyance in violation of this chapter, or if the vehicle is operated by an individual under 16 years of age, or the Sheriff's deputy is unable to determine the owner of the vehicle or notify the owner of the vehicle, is authorized to impound said vehicle or conveyance to a place designated by the Monroe County Sheriff's Department or his designee. The owner or duly designated agent of the owner of such vehicle or conveyance may regain the same upon the payment of all expenses and charges necessarily and actually incurred by the removal and/or storage of said vehicle or conveyance.

§ 259-6 Penalties for offenses.

- A. Any person, firm or corporation violating or permitting the violation of any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Any person of the age of 18 years or over, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500 or by imprisonment in the county jail for a term not exceeding 15 days, or both the case of a second or subsequent violation

- 8. In addition, any and all persons, firms or corporations violating or permitting a violation of any of the provisions of this chapter or omitting or refusing to do any act required by this chapter shall severally, for each and every violation and noncompliance respectively, be liable for a civil penalty of \$50. The imposition of all penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalties or the provisions of this chapter shall not be held to prevent the enforcement of this chapter by other action.

For additional information please contact the Village Office at 585-392-4144.

Shari Pearce, Village Manager/Clerk

Dated: March 14, 2021



Department of Planning & Development
Monroe County, New York

Adam J. Bello
County Executive

Ana J. Liss
Director

To: Village of Hilton Municipal Board

From: Yixuan Lin, Planner 2 gl

Date: March 1, 2021

Subject: Local Law 1. 2021

To replace Chapter 259, Recreational Vehicle of Hilton Code in its entirety.
MCDP&D Response to Development Review Referral (HL21003)

Review Authority and Response:

General Municipal Law: [X] Section 239-m (Zoning)
[] Approval [] Modification [] Disapproval [] Comment [X] No Comment

[] Section 239-n (Subdivision)
[] Approval [] Modification [] Disapproval [] Comment [] No Comment

County Charter: [] Section C5-4.A (Airport)
[] Approval [] Approval with Conditions [] Disapproval

[] Section C5-4.C (Advisory Review)
[] Comment [] No Comment

Previously Reviewed by MCD&P (if yes, previous referral response applies to this referral):

[] Yes [X] No

Referred to the Development Review Committee (DRC) (If yes, DRC Project Review Report attached):

[X] Yes [] No

MCDP&D Comments:

- 1. The Monroe County Department of Planning and Development has reviewed this application and does not have any comment. Please refer to the attached Project Review Report for the complete list of Development Review Committee comments.

If you have any questions regarding this review, please contact me at 585-753-2026 or YixuanLin@monroecounty.gov.

xc: Development Review Committee
Amy Harter, Village of Hilton
Monroe County Planning & Development

Subject: Attachment to File HL21003
Local Law 1. 2021

The Monroe County Development Review Committee (DRC) has reviewed the subject application and have the following comments that need to be addressed prior to submission of final plans for approval.

Monroe County Department of Health (MCDOH), Contact John Frazer (753-5476) with questions.

1. This project was not sent to Monroe County Department of Health for review. Applicants should verify with this agency that they do not have jurisdictional requirements for this project.

Monroe County Department of Transportation (MCDOT), Contact John Raymond (753-7711) with questions.

1. This project was not sent to Monroe County Department of Transportation for review. Applicants should verify with this agency that they do not have jurisdictional requirements for this project.

Monroe County Department of Environmental Services (MCDES), Division of Pure Waters, Contact Richard Bianchi (753-7614) with questions.

1. This project was not sent to Monroe County Environmental Services for review. Applicants should verify with this agency that they do not have jurisdictional requirements for this project.

New York State Department of Transportation (NYSDOT), Contact Zachary Starke (272-3472) with questions.

1. This project was not sent to New York State Department of Transportation for review. Applicants should verify with this agency that they do not have jurisdictional requirements for this project.

**Legal Notice
Village of Hilton
Hilton Village Board**

Please take notice that the Village of Hilton Board of Trustees will hold a public hearing on Tuesday, January 5, 2021 at 6:00 p.m. in the Hilton Community Center, 69 Henry Street to consider Local Law #1, 2021 as follows:

To replace Chapter 209, Recreational Vehicles of the Hilton Code in its entirety.

§ 259-1 Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

RECREATIONAL MOTOR VEHICLE
Expressly limited to "off road" vehicles such as minibikes, trail bikes, motor scooters, dune buggies and swamp buggies and any other similar motor vehicles of the type that is normally used on land for recreation, entertainment, or pleasure. The use of the lawn mower, powered garden vehicles, other similar utilitarian domestic vehicles and vehicles required to be registered with the DMV are specifically excepted here from.

§ 259-2 Purpose.

It is the purpose of this chapter to preserve and promote the health, safety and general welfare of those inhabitants of the Village of Hilton who wish to use and operate Recreational Motor Vehicles on private property or municipal property. It is also the purpose of this chapter to prevent those inhabitants of the Village of Hilton who wish to use and operate Recreational Motor Vehicles from trespassing on public or private property in the village of Hilton, from annoying inhabitants and from creating a public nuisance.

§ 259-3 Prohibitions

It shall be unlawful to operate or for the owner to permit the operation of any Recreational Motor Vehicle as defined in §259-1.

A. On the private property of another without the express prior written consent of the owner and the occupant of said property. Such consent may be revoked at any time by the grantor thereof. Where such express prior written consent has been obtained, the operator or person at the site responsible for such operation shall keep said consent on his person and available for immediate display at all times during the period of such operation. Excepted from the operation of this subsection are any private clubs or other organizations that permit the operation of Recreational Motor Vehicles on their property in connection with the principal use of said property by members of such club or organization.

B. On any public grounds or property, including Village-owned land, which shall include but not be limited to parks; ball parks; recreation areas; Village-owned streets, easements and sidewalks or areas dedicated to or commonly used for vehicular or pedestrian traffic; Village storage facilities; garage areas; and Board of Education lands, unless specifically designated, set aside and reserved therefor by resolution of the Village Board.

C. In such manner as to create loud or unnecessary noise so as to unnecessarily disturb or interfere with persons in the peaceful and quiet enjoyment of their property. To this end, no person shall operate a Recreational Motor Vehicle before the hour of 9:00 a.m. and after one hour before sundown or 7:00 p.m., which ever is earlier.

D. In a careless, reckless or negligent manner so as to endanger the safety or property of any person.

E. While in an intoxicated condition or under the influence of narcotics or drugs as defined by §1194 of the Vehicle and Traffic Law.

§ 259-4 Enforcement.

The Monroe County Sheriff's Department and/or any Law Enforcement Officer with jurisdiction in the Village of Hilton.

§ 259-6 Confiscation of vehicles:

Any member of the Monroe County Sheriff's Department or any other law enforcement officer who shall encounter any person operating a Recreational Motor Vehicle or conveyance in violation of this chapter, or if the vehicle is operated by an individual under 16 years of age, or the Sheriff's deputy is unable to determine the owner of the vehicle.

next is nullify.

D. In a certain, reckless or negligent manner so as to endanger the safety of property of any person.

E. While in an unbalanced condition or under the influence of a narcotic or drug as defined by 81194 of the Vehicle and Traffic Law.

§ 229-4. Endorsement.

The Monroe County Sheriff's Department and for any Law Enforcement Officer with jurisdiction in the Village of Edison.

§ 229-5. Communication of violation.

Any member of the Monroe County Sheriff's Department or other law enforcement officer who shall observe a violation of any provision of this chapter shall be guilty of a minor offense if he or she fails to report such violation to the appropriate authority. Any person who shall observe a violation of any provision of this chapter shall be guilty of a minor offense if he or she fails to report such violation to the appropriate authority. Any person who shall observe a violation of any provision of this chapter shall be guilty of a minor offense if he or she fails to report such violation to the appropriate authority. Any person who shall observe a violation of any provision of this chapter shall be guilty of a minor offense if he or she fails to report such violation to the appropriate authority.

§ 229-6. Punishment for offense.

A. Any person, firm or corporation violating or permitting the violation of any provision of this chapter shall be guilty of a minor offense if he or she fails to report such violation to the appropriate authority. Any person who shall observe a violation of any provision of this chapter shall be guilty of a minor offense if he or she fails to report such violation to the appropriate authority. Any person who shall observe a violation of any provision of this chapter shall be guilty of a minor offense if he or she fails to report such violation to the appropriate authority. Any person who shall observe a violation of any provision of this chapter shall be guilty of a minor offense if he or she fails to report such violation to the appropriate authority.

B. In addition, any and all persons, firms or corporations violating or permitting a violation of any of the provisions of this chapter shall be liable for and every violation and noncompliance respectively be liable for and every violation and noncompliance all penalties for any violation of this chapter shall not exceed the penalties or permit it to continue. The application of the above provisions shall not be construed to prevent the enforcement of this chapter by any other law enforcement officer. For additional information please contact the Village Clerk at 608-292-4144.

Board Person, William M.../Clark

Dated: December 20, 2020

