

7/17/12

RESOLUTION 153 - 12

Introduced by Supervisors Rowland, Barrett, Hargrave, Jenkins, Lewza, Lucia, and Wright

ADOPTING REGULATIONS PROHIBITING TRESPASSING  
ON COUNTY PROPERTY UNDERNEATH, ON AND  
SURROUNDING THE HADLEY-LUZERNE BRIDGE

WHEREAS, the Hadley-Luzerne Bridge connects the Town of Hadley in the County of Saratoga and the Town of Lake Luzerne in the County of Warren, and is jointly owned by the Counties of Saratoga and Warren; and

WHEREAS, the County of Saratoga owns land adjoining and underneath the Hadley-Luzerne Bridge; and

WHEREAS, the Hadley-Luzerne Bridge and the surrounding property owned by the County of Saratoga have been the site of numerous unsafe and offensive activities engaged in by individuals, including jumping off the Bridge into the rocky waters of the Hudson River; swimming in the fast currents of the Hudson River; blocking and/or interfering with traffic on the Bridge, leaving piles of garbage and litter underneath and around the Bridge; and defacing the walls underneath the Bridge with vulgar, offensive and unsightly graffiti; and

WHEREAS, the defacing of the walls of County-owned Bridge by the use of foul language and offensive symbols in many of the writings is harmful to the general public and violates the welfare of the residents of the County of Saratoga and the Town of Hadley; and

WHEREAS, the unabated proliferation of graffiti underneath the Bridge and the dumping of garbage and litter, including empty bottles of beer and alcohol, will cost County taxpayers substantial monies to remove and clean up; and

WHEREAS, to get to the areas underneath the Bridge where the graffiti is affixed, and garbage and litter left, people must climb down a rocky and dangerous slope; and

WHEREAS, to preserve and protect public safety, this Board declares its intent to regulate activity on and around the Hadley-Luzerne Bridge; and

WHEREAS, County Law §215(7) authorizes a county board of supervisors to, by resolution, adopt and enforce regulations covering the use of county-owned property; and

WHEREAS, our Buildings and Grounds Committee has recommended that this Board adopt regulations prohibiting trespassing on the Hadley-Luzerne Bridge and the surrounding County-owned property, and providing that a violation of any one or more of such regulations shall constitute an offense punishable by a fine of not exceeding one hundred dollars and imprisonment not exceeding thirty days; now, therefore, be it

RESOLVED, that pursuant to the authority granted it by County Law §215(7), this Board of Supervisors hereby adopts the regulations attached hereto as Schedule A entitled “Regulations of the County of Saratoga Prohibiting Trespassing on County Property Underneath, On and Surrounding the Hadley-Luzerne Bridge”; and be it further

RESOLVED, that these Regulations shall take effect immediately; and be it further

RESOLVED, that the attached Regulations shall be posted on the County of Saratoga’s website, at the Saratoga County Clerk’s Office, and at the Hadley Town Hall, and published in one newspaper of general circulation in the Town of Hadley; and be it further

RESOLVED, that the Saratoga County Department of Public Works is hereby directed to post appropriate “No Trespassing” signs on the County-owned lands on, underneath and surrounding the Hadley-Luzerne Bridge; and be it further

RESOLVED, that the Clerk of the Saratoga County Board of Supervisors is hereby directed to forward certified copies of this Resolution to the New York State Police and the Saratoga County Sheriff’s Department.

BUDGET IMPACT STATEMENT: No budget impact.

## SCHEDULE A

### REGULATIONS OF THE COUNTY OF SARATOGA PROHIBITING TRESPASSING ON COUNTY PROPERTY UNDERNEATH, ON AND SURROUNDING THE HADLEY-LUZERNE BRIDGE

#### SECTION 1. Findings.

To preserve and protect public safety on property owned by the County of Saratoga underneath, on and surrounding the Hadley-Luzerne Bridge, the Saratoga County Board of Supervisors hereby declares its intent to prohibit trespassing underneath, on and surrounding the Hadley-Luzerne Bridge. The County seeks to prevent individuals from entering onto said County-owned property and engaging in conduct that jeopardizes the well-being, health, safety and welfare of the public, as well as disrupts the public peace and order. Such conduct includes, but is not limited to: jumping off the Hadley-Luzerne Bridge into the rocky waters of the Hudson River; blocking or interfering with traffic on the Hadley-Luzerne Bridge, swimming in the fast currents of the Hudson River, leaving piles of garbage and litter underneath the Bridge, and defacing the walls underneath the Bridge with offensive, vulgar and/or unsightly graffiti.

#### SECTION 2. Definitions

- A. "Bridge Premises." includes that portion of the Hadley-Luzerne Bridge located within the boundaries of the County of Saratoga, and all land owned by the County of Saratoga underneath and surrounding the Hadley-Luzerne Bridge in Saratoga County.
- B. "Enter or remain unlawfully." A person "enters or remains unlawfully" in or upon the Bridge Premises when he or she does so without license or privilege and in violation of a notice of trespass given by posting by the County of Saratoga in a conspicuous manner. Vehicular traffic crossing the Hadley-Luzerne Bridge shall be deemed to have license or privilege to do so.
- C. "Trespass." A person is guilty of trespass when he or she knowingly enters or remains unlawfully upon the Bridge Premises.

#### SECTION 3. Prohibited Acts

- A. It shall be unlawful for any person to trespass on the Bridge Premises without written permission from the Commissioner of the Saratoga County Department of Public Works or his designee.
- B. It shall be unlawful for any person to jump off that portion of the Hadley-Luzerne Bridge structure located in Saratoga County.
- C. It shall be unlawful for any person to obstruct vehicular or pedestrian traffic or to create a hazardous condition while on that portion of the Hadley-Luzerne Bridge located in Saratoga County.

D. It shall be unlawful for any person to damage, destroy, remove or tamper with any sign posted by the County of Saratoga prohibiting trespassing on the Bridge Premises.

SECTION 4. Penalties for Offenses

Any person who violates Section 3 of these Regulations shall be guilty of an offense punishable by a fine of not exceeding one hundred dollars and by imprisonment not exceeding thirty days.

SECTION 5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of these Regulations 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 judgment 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 these Regulations or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

SECTION 6. Effective Date

These Regulations shall take effect immediately.