

LOCAL LAW NO. 1-90
CHAUTAUQUA COUNTY

A LOCAL LAW REGULATING SPEEDS ON LAKES IN CHAUTAUQUA COUNTY

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

SECTION 1. LEGISLATIVE FINDINGS. The Chautauqua County Legislature finds the growing and continued use of navigable waters of Chautauqua County will create dangers to the health, safety and welfare of the community using said waters, if reasonable controls are not established.

The Chautauqua County Legislature requested home rule legislation permitting the County to enforce speed limits on navigable waters in Chautauqua County. Pursuant to Chapter 573 of the Laws of 1989, the State of New York granted the County authority to adopt this local law.

SECTION 2. DEFINITIONS. The terms used in this law, unless otherwise expressly stated or unless the context of the language or subject matter indicates a different meaning or application was intended, shall be deemed to be the same as stated in the New York State Navigation Law.

SECTION 3. SPEED LIMITATIONS AND OPERATION.

1. Every master or operator of a vessel shall at all times navigate the same in a careful and prudent manner and at such rate of speed as not to unreasonable interface with the free and proper use of the navigable waters of the state or unreasonable endanger any vessel or person.

2. No vessel shall be operated within two hundred feet of the shore, a dock, pier, raft, float or an anchored or moored vessel at a speed exceeding five miles per hour, unless such vessel is being operated near such shore, dock, float, pier, raft, or anchored vessel for the purpose of enabling a person engaged in water skiing to take off or land.

3. No vessel shall operate at speeds in excess of following lake speed between on-half hour after sunset and one-half hour before sunrise.

Chautauqua Lake – Twenty (20) miles per hour
Findley Lake – Five (5) miles per hour

4. No vessel shall be operated at a speed in excess of five (5) miles per hour or in such a manner as to cause a wake at any time of day or night in the lake areas as described as follows:

A. Chautauqua Lake: From the East side of the Chautauqua Lake Veterans Memorial Bridge (Route 17) to the West side of the Bemus Point – Stow Ferry crossing.

B. Chautauqua Lake: From line extending directly from the centerline of Dunham Avenue to the Village of Celoron across the lake parallel to said street to the East boundary of Carlson Boat Livery property.

SECTION 4. JURISDICTION. Any peace officer, sheriff or his deputy, may issue a summons to a person charged with an offense under this Act, or under the Navigation Law of the State of New York, returnable before a court having jurisdiction of such offense. Any justice of the peace in any court having jurisdiction of such offense. Any justice of the peace in any Justice's Court in any town which borders on the lake, or navigable inlet or outlet on which the violation is alleged to have been committed shall have jurisdiction of such offense, except an offense committed within the borders of the City of Jamestown, in which event the City Judge of said City shall have jurisdiction.

SECTION 5. PUNISHMENT. The violation of any of the provisions of this section shall constitute an offense punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for not exceeding thirty days or by both such fine and imprisonment for a conviction of a first offense; by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not exceeding ninety days or by both such fine and imprisonment for conviction of a second offense committed within a period of twenty-four months; by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for not exceeding one hundred eighty days, or by both such fine and imprisonment for conviction of a third or subsequent offense committed within a period of twenty-four months.

SECTION 6. SEVERABILITY. If any clause, sentence, paragraph, section or article of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph section or article thereof directly involved in the proceedings in which such adjudication shall have been rendered.

SECTION 7. EFFECTIVE DATE. This Local Law shall become effective on April 1, 1990.

Introduced: 11/15/89

Adopted by Legislature: 12/20/89 R/C Vote: 22 Yes; 1 No; 2 Absent (No: Porpiglia)

Public Hearing: 1/9/90

Adopted as Local Law 1-90