

LOCAL LAW NO. 1-1952
CHAUTAUQUA COUNTY

A Local Law Amending Sections 5, 7, 9, 10, and 16, and the Title of Chapter 780 of the Laws of 1950 of the State of New York to Provide for the Deleting of Bear Lake from said Chapter 780; to Include the Navigable Outlets and Inlets of Chautauqua, Cassadaga, and Findley Lakes, and to Repeal the Method of Removal from Office of Navigation Commissioners as set Forth in said Chapter 780

BE IT ENACTED, by the Board of Supervisors of the County of Chautauqua as follows:

Section 1. The title of Chapter 780 of the Laws of 1950 "An act to established a Commission of Navigation" is hereby amended to read as follows: "An act to establish a Commission of Navigation for the purpose of promoting the safety and welfare of persons navigating the waters of Chautauqua, Findley and Cassadaga (and Bear) lakes and their navigable inlets and outlets and for the preservation of property thereon and to regulate and control navigation on such lakes and such navigable inlets and outlets, (and to repeal chapter two hundred eighty-five of the laws of nineteen hundred forty, entitle "An act to establish a Commission f Navigation to regulate and control navigation on Chautauqua lake and its outlet and to repeal chapter three hundred and thirty-nine of the laws of eighteen hundred eighty-four, entitled "An act to establish a Commission on Navigation of Chautauqua Lake and its outlet, and in relation to navigation on the same"; and to repeal chapter three hundred ninety-one of the laws of eighteen hundred seventy-six entitled "An act in relation to the inspection and running of steamboats on Chautauqua Lake, and the acts amendatory thereof", and all act amendatory thereof, or supplemental thereto".)

Section 2. The first unnumbered paragraph of Section 5 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows:

The Chautauqua County Navigation Commission shall have the following functions, powers and duties concerning navigation on Chautauqua, Findley, and Cassadaga (and Bear) lakes, and the navigable inlets and outlets of Findley and Cassadaga Lakes and the navigable inlet of Chautauqua Lake and the Chautauqua Lake outlet between Chautauqua Lake and the Fairmount Avenue Bridge in the City of Jamestown for the purpose of promoting the safety and welfare of persons navigating said lakes and inlets and outlets and the preservation of life and property thereon;

Section 3. Section 5, paragraph numbered 4 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: To establish rules and regulations governing the operation of all watercraft on such lakes and their navigable inlets and outlets.

Section 4. Section 5, paragraph numbered 5 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: To inspect all passenger vessels on such lakes and their navigable inlets and outlets and to issue or refuse to issue certificates of inspection for such vessels.

Section 5. Section 5, paragraph numbered 6 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: The Commissioners may inspect watercraft on such lakes and their navigable inlets and outlets so as to enable them to determine whether such watercraft

can be safely used in navigation; any such inspection shall be made at any dock or wharf on said lakes or navigable inlets or outlets.

Section 6. Section 5, paragraph numbered 7 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: To establish rules and regulations governing the construction, length, size and lighting of all docks, wharves, floats, buoys and diving docks on said lakes and navigable inlets and outlets. It shall be unlawful after (July first, nineteen hundred and fifty) June first nineteen hundred fifty-two, to construct in the waters of Chautauqua, Findley or Cassadaga (or Bear) lakes, or their navigable inlets and outlets, any wharf, dock, pier, jetty or other type of structure of a permanent character without the written permission of the Chautauqua County Navigation Commission, except docks or piers to be constructed by the owner of the adjacent uplands which proposed dock or pier shall not extend into such waters for a distance of more than forty feet from the shore line, or to a depth of water not greater than four feet at the outer end of the proposed structure as measured at the ordinary low stage of such body of water. Nothing in this section shall in any manner effect the provisions of section nine hundred forty-eight of the conservation law.

Section 7. Section 5, paragraph numbered 8 of Chapter 78 of the Laws of 1950 is hereby amended to read as follows: To establish locations for, and place beacons and buoys, and to take all such other precautions and measures and make such rules and regulations as may be necessary for the general protection and safety of all types of navigation on said lakes and their navigable inlets and outlets.

Section 8. Section 5, paragraph 9 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: To make rules and regulations concerning the use of life saving equipment on all watercraft public and private docks and floats on said lakes and their navigable inlets and outlets, and to fix life saving equipment requirement standards for the same so as to guard against the loss of life by drowning.

Section 9. Section 5, paragraph 10 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: To make rules and regulations concerning the use of fire prevention and fire fighting apparatus on all watercraft on said lakes and their navigable inlets and outlets, and to fix fire fighting and fire prevention equipment requirement standards for the same so as to guard against damage and peril by fire.

Section 10. Section 5, paragraph numbered 11 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: To prescribe rules and regulations governing the lighting of all watercraft on such lakes and their navigable inlets and outlets.

Section 11. Section 5, paragraph numbered 12 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: To employ deputy navigation Commissioners to patrol the waters of said lakes and their navigable inlets and outlets, when the traffic on the lakes makes such patrol necessary, and employ them to do such other things as may be necessary for the enforcement of this act; the compensation of the Deputy Navigation Commissioners and the number of said Deputy Navigation Commissioners to be employed shall be fixed by the Board of Supervisors of Chautauqua County.

Section 12. Section 5, paragraph numbered 14 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: To prescribe sailing and pilot rules and regulations for all types of watercraft navigating on said lakes and their navigable inlets and outlets.

Section 13. The first unnumbered paragraph in Section 7 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: The Chautauqua County Navigation Commission after a public hearing may enact, amend, and repeal such rules and regulations governing the navigation on Chautauqua, Findley, and Cassadaga (and Bear) lakes and their navigable inlets and outlets, as are consistent with this act, and not inconsistent with law. The Commission shall give notice of such hearing by the publication of a notice in at least two newspapers having general circulation in Chautauqua County, specifying the time when and the place where such hearing will be held, and in general terms describing the proposed rules and regulations. Such notice shall be published once at least ten days prior to the day specified for such hearing. Every rule and regulation enacted by said Commission shall be entered in its minutes and be published once in two newspapers having general circulation in Chautauqua County and a copy thereof filed with the superintendent of Public Works in Albany, New York. The affidavits of publication shall be filed with the Commission. Such rules and regulations shall take effect ten days after such publication and filing with the Superintendent of Public Works.

Section 14. Section 9, of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: The Commission shall prescribe rules governing the examination and licensing of applicants for the positions of captain, engineer and pilot on passenger carrying watercraft on said lakes and their navigable inlets and outlets.

Section 15. Section 10 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: Any person violating any provision of this act or any rule or regulation prescribed thereunder, shall be guilty of a misdemeanor, and on conviction be subject to a fine not to exceed two hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Such criminal actions shall be brought in an justices court in any town which borders on the lake or navigable inlet or outlet on which the violation is alleged to have been committed; provided further, that after the conviction of an owner of any watercraft, or after the conviction of any person authorized by such owner to operate watercraft belonging to said owner, of a violation of this act or rule or regulation prescribed thereunder, the license of any watercraft owned by said owner may be suspended or revoked by the Chautauqua County Navigation Commission for a period of not less than ten days nor more than one year; said Commission shall hold a hearing and give such owner an opportunity to be heard before suspending or revoking any license under this act; notice of such hearing shall be given the owner by personal service, or by mailing by registered mail to the address of the owner appearing on the watercraft license, such notice to be served or mailed not less than five days before the date of the hearing.

Section 16. Section 16 of Chapter 780 of the Laws of 1950 is hereby amended to read as follows: (Upon the application of three or more citizens of the State of new York, verified by an affidavit in the same manner as pleadings are verified in the Supreme Court, charging that any Commissioner under this act, or heretofore appointed, has been guilty of any willful neglect of his duty, partiality or malfeasance in office or is incapable of performing the duties of such office and specifying the particular charge o charges against such Commissioner the Count Judge of Chautauqua County may make an order appointing a Board of Inquiry, consisting of three

respectable citizens of said County, to examine witnesses in support of and against said charge under oath, which any one of said Board of Inquiry is hereby authorized to administer and to determine as to the truth of any such charge. The persons so appointed must thereupon fix a time and place of hearing, which must be in said County of Chautauqua; and at least ten days notice of said time and place of hearing shall be given such Commissioner, and such notice shall be in writing, and shall be personally served together with a copy of said complaint or application upon said Commissioner or left at his place of business, or at his residence with some person of suitable age.

Said Board of Inquiry, or a majority of them after hearing all the testimony offered must determine in writing, under their hands, which of said charges, if any is substantiated; and their determination shall be transmitted to the judge who appointed them and if said Commissioner is found guilty of willful neglect of duty, or of any of the other charges in said complaint contained, the said County Judge must thereupon, by an order in writing under this hand, and filed in the Clerk's Office of the said County of Chautauqua, remove said Commissioner from office; and a certified copy of said order shall be served upon said Commissioner by the party or parties making such complaint.

The person constituting such Board of Inquiry shall receive five dollars per day for their services under this act; and this charge with all other expenses of the proceeding, providing such charges or any of them be sustained, shall be paid by Chautauqua County; in case the judgement be "not guilty", the County Judge of Chautauqua County shall determine whether Chautauqua County or the party or parties making the complain shall pay such expense.

The costs and expense o the defense in proceedings under this section shall not be a charge against or be paid by Chautauqua County.)

(The underlined mater is new matter – the matter enclosed in brackets is matter to be eliminated.)

Adopted by Board of Supervisors: 5/9/52

R/C Vote: 34 Yes

1 No (Lombardo)

2 Absent

Adopted as Local Law 1-52