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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.

Town of Rushford

Local Law No.: 1 of the year 1993

A local law amending Local Law No 1 of the year 1990 governing Navigation and Boating Rules and Regulations for Rushford Lake.

Be it enacted by the Town Board of the Town of Rushford as follows:

ARTICLE I TITLE AND DEFINITIONS -

Section I — Title

this local law shall be known as the “Navigation and Boating Rules and Regulations for Rushford Lake” and shall be applicable to the Rushford Lake Recreation District.

Section 2 -- Definitions

For purposes of this local law certain words are defined as follows:

1. Vessels shall mean any floating craft and shall include any such craft that is powered either mechanically or by the force of any person’s physical exertion; any commercial or recreational craft capable of floatation on top of, or travel under the water’s surface for purposes of carrying one or more passengers or other cargo
2. Owner shall mean the person actually holding title to a vessel except a public vessel chartered unmanned for a period of more than thirty (30) consecutive days, in which case “owner” shall include the person chartering the vessel.
3. Person shall mean an individual, partnership, corporation or association.
4. Board of Commissioners shall mean the body of five (5) individuals which is the governing body of the Rushford Lake Recreation district as provided in Chapter 78 of the Laws of 1981.
5. Sunset shall mean the daily disappearance of the sun below the eastern horizon as set and published by the National Weather Service.
6. Sunrise shall mean the daily appearance of the sun above the horizon as set and published by the National Weather Service.
7. Motorboat shall mean any mechanically powered vessel.
8. Operator shall mean an individual who operates or navigates a vessel.
9. Dock shall mean a wharf, or portion of a wharf extending along the shoreline and generally connected with the uplands throughout its length
10. Pier shall mean a wharf or portion of a wharf extending from the shoreline with water on both sides.
11. Under way shall mean that the vessel is not at anchor, or made fast to the, shore or aground.
12. Cuddy Cabin shall mean any vessel with a factory manufactured closed compartment in the bow of said vessel large enough to harbor one or more persons.

ARTICLE II. VESSELS

Section I - Equipment

In addition to all of the equipment required under Section 40 of the New York Navigation Law the following shall apply to the Rushford Lake Recreation District:

1. Equipment required on motorboat: A Coast Guard approved life preserver for each person on the motorboat and a United States Coast Guard approved fire extinguisher for motorboats with enclosed compartments.
2. Equipment required on other vessels All other vessels must carry a Coast Guard approved life preserver for each person on the vessel. Vessels with enclosed compartments must carry a United States Coast Guard approved fire extinguisher.
3. Registration certificates A valid - registration certificate must be carried on board whenever a vessel is underway.
4. Lights After sunset, any vessel underway must illuminate a bright white light aft to show all around the horizon and lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

Fishing boats, canoes and sailboats: Fishing boats, canoes and sailboats must have illuminated at all times after sunset, a visible white light, unless such a vessel is secured to a dock or pier.
5. Capacity plate: Every vessel operating on the Rushford Lake Recreation District waters shall be required to have a United States Coast Guard Approved Capacity plate affixed to it.

Section 2 — Operation of Vessels

In addition to the operating requirements set forth under Sections 40, 41, 42, 45, 70 and 77 of the New York State Navigation law the following shall apply to the Rushford Lake Recreational District:

1. None of the following vessels shall be operated or otherwise placed upon the Rushford Lake Recreation District
 - A. Any vessel, other than a pontoon boat, exceeding twenty one feet in length;
 - B. Any Cuddy Cabin;
 - C. Any vessel with a marine head or other type of toilet facility;
 - D. Any motorboat designed, manufactured or distributed for professional racing purposes.
2. Reckless Operation All vessels must be operated in a safe and courteous manner at all times. No vessel shall be operated in manner which unreasonably interferes with the free and proper use of Rushford Lake or unreasonably endangers users of Rushford Lake. Except as provided herein, all persons in the boat must be sitting down when the vessel is under way, and sitting on the vessels edge or on the backrest portion of a sea is prohibited.

Exceptions:

- A. Operation of a jet ski as described in Article III herein.
 - B. The operators of and the passengers on a pontoon boat.
 - C. The operation of a vessel when necessary for visibility so as to provide for the safe operation of the vessel.
 - D. When the vessel is being operated within one hundred feet (100') of shore.
3. Speed Limits
 - (A) No boat nor vessel shall be operated at such a speed as to unreasonably interfere with the safe and proper use of Rushford Lake or at such a speed that would unreasonably endanger any vessel or person.
 - (B) The maximum speed at points within one hundred feet (100') of the shoreline shall not exceed five (5) miles per hour except when starting or dropping off a water skier.
 - (C) The maximum speed Limit In the channels and bays and at points within one hundred fifty feet (150') of the dam unless otherwise specified in this Article shall not exceed fifteen (15) miles per hour.
 - (D) During the hours of sunrise and sunset the maximum speed limit on the Rushford Lake Recreation District water unless specified otherwise in this Article, shall not exceed forty five (45) miles per hour.
 - (E) During the hours between sunset and sunrise the maximum speed limit on the Rushford Lake Recreation District waters shall not exceed fifteen (15) miles per hour.

4. Children:

No person shall operate a vessel unless every child under the age of 12 years is wearing a commercially acceptable life vest when occupying such vessel.

Article III WATER SKIING AND JETSKIS

Section I - Water Skiing and Jet skiing

In addition to the provisions regulating the uses of water skis under Section 73 and 73-a of the New York Navigation Law, and in addition to the provisions of Article II, Section 2 of this local law which shall apply to the operation of Jet skis, the following shall apply to the Rushford Lake Recreation District:

1. Safety vest All water skiers and jet skiers must wear a commercially acceptable water ski vest.
2. Shoreline distance A skier may not ski within one hundred feet (100') of shoreline except when commencing to ski or ceasing to ski or dropping off the tow rope when finished skiing.
3. Observer No person shall operate a vessel towing a person whether on water skis, a surfboard, or otherwise unless such vessel contains an occupant in addition to the operator, at least 10 years of age who at all times is in a position to observe the progress the person being towed.

Section 2 – Jet skis

Jet skis, wet bikes or other similar powered recreational vessels are subject to the operation regulations described in Article II, Section 2 at this Local law.

1. No operation after sunset. The vessels described in sect 2 above shall not be operated after sunset.

ARTICLE IV SAILBOATS

Section 1 - Sailboats

In addition to the provisions affecting the operation of sailboats described in Section 41 of the New York State Navigation Law the following shall apply to the Rushford Lake Recreation District.

1. Right of Way: sailboats shall have the right of way over mechanically operated vessels when each are being operated in such direction as to involve risk of collision. However, it shall be incumbent upon the operator of the sailboat to keep a vigilant lookout and change course it necessary to avoid any danger.

ARTICLE V SWIMMING, TRESPASSING & LITTERING

Section 1 - Swimming

Persons swimming or floating on tubes, air mattresses or other air inflated vessels shall not travel more than seventyfive (75') from the shoreline unless accompanied by a boat.

Section 2 - Trespassing

A person shall be guilty of trespass when he knowingly enters or remains upon the top or bottom portion of the Rushford Lake Dam. Notice against trespass shall be given by posting in a conspicuous manner.

Section 3 - Littering

Throwing of refuse upon the waterways and property of the Rushford Lake Recreation District.

1. No person shall dump, throw, deposit or place or cause to be dumped, thrown, deposited or placed upon any waterway or property of the Rushford Lake Recreation District, any refuse, garbage, trash, rubbish, litter or any noxious or offensive matter.
2. No person shall throw or deposit upon any waterway or District property:
 - A. Any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal, or vehicle upon such waterway or District property.
3. Any person who drops, or permits to be dropped or thrown, upon any waterway or District property any destructive or injurious materials or any material which interferes with the safe use of the said waterway of Distract property shall immediately remove the same or cause it to be removed.

ARTICLE VI. STATUTORY AUTHORITY

Section 1

This local law is being adopted jointly in cooperation with the Towns of Caneadea Rushford and the Rushford Lake Recreation District.

Section 2

The Towns of Rushford and Caneadea are adopting this local law pursuant to Section 130 of the New York Town law and the municipal Home Rule.

Section 3

The Rushford Lake Recreation District is adopting this legislation under its power to govern, and adopt rules and regulations pursuant to the laws of the State of New York 1981 Chapter 78.

ARTICLE VII. PENALTIES

Section 1

The violation of any of the provisions of ARTICLE II of this local law shall be subject to a fine not exceeding Two Hundred and Fifty Dollars (\$250.00) for a conviction of a first offense; by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for a conviction of a second offense committed within a period of eighteen months; by a fine of not less than One Hundred (\$100.00) nor more than Five Hundred (\$500.00) for a conviction of a third or subsequent offense committed within a period of eighteen months.

Section 2

Any person who violates any other provision of this local law shall be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00).