

Town of Brighton
Franklin County
New York

Local Law No. 4 of the year 2001

A local law to establish a personal watercraft and specialty prop-craft regulation zone

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

Section 1: PREAMBLE: The Town Board of the Town of Brighton finds and declares that it is in the best interest of the persons and property in the town to adopt regulations which will protect and enhance the physical and visual environment while providing for the protection, order, conduct, safety, health and well-being of persons and property in the town. More specifically, the Town Board finds that the use of personal watercraft and specialty prop-craft (collectively, PWC) on the water bodies of the Town known as Osgood Pond and the St. Regis Lakes has the following adverse effects:

1. Osgood Pond is generally shallow with an average depth of 8.4 feet and a maximum depth of 15 feet, and with several shallow sand bars. PWC will disturb the bottom during normal operations, causing an increase in suspended sediments and a decrease in water clarity. The same problem will occur on the St. Regis Lakes in near-shore areas.
2. Osgood Pond and the St. Regis Lakes are generally clean and fishable. Many shoreline residents draw drinking water from the water bodies. PWC release up to 30% of their fuel unburned into the water, contributing to death of plants and fish and a lowering of water quality, and jeopardizing the health of shoreline residents who use water from the water bodies.
3. Osgood Pond is home to at least one loon nest and the St. Regis Lakes typically have at least three loon nests. The wakes of PWC during operation near shore have been shown to swamp loon nests and disrupt breeding conditions.
4. Osgood Pond's watershed is home to a bald eagle nest. The presence of PWC on Osgood Pond may interfere with the breeding success of this prized resident, both by noise and by affecting the fish stock needed by this threatened species.
5. Currently, Osgood Pond is used almost exclusively by canoes, kayaks, rowboats, and fishermen with low-horsepower motors. PWC would be both disruptive and dangerous to these boaters, making the Pond much less attractive for their recreational activities. The St. Regis Lakes, adjoining the state's St. Regis Canoe Area, have a large amount of canoe traffic, and in addition are heavily used by sailboats during the summer sailing season. PWC operation is dangerous and disturbing to these existing recreational uses of the lakes.
6. Osgood Pond and the St. Regis Lakes are assets to the Town of Brighton because of their quietness and beauty. Many shore owners bring renters to the Town, who are attracted by the serenity of the water bodies. On Osgood Pond, two of these shore owners are important commercial establishments: Northbrook Lodge and White Pine Camp. Paul Smith's College, on Lower St. Regis Lake, incorporates the campus setting on the peaceful and largely uninhabited lake as a major part of its marketing program to attract new students. Camp Applejack/Regis on Upper St. Regis Lake, a summer camp for 8 to 14 year-olds, is an important purchaser of goods and services from the local community and depends on the continuation of a quiet and safe

environment to attract its clientele. These properties would all be less attractive to the types of visitors who come here if the environment were degraded by the presence of PWC.

Personal watercraft and specialty prop craft, built for high speed and quick turns, have been found to be disruptive to the enjoyment of water bodies by others such as swimmers, anglers, canoeists, sailors, and operators of other types of power craft; and in addition due to their ability to operate in very shallow water, pose a threat to the continued existence of waterfowl communities. They are also dangerous: the US Coast Guard reports that while personal watercraft account for only 9 percent of the vessels registered in the United States they are involved in 46 percent of all boating accidents.

The purpose and intent of this local law is to establish a personal watercraft and specialty prop-craft regulation zone pursuant to authority under Town Law §130 and Municipal Home Rule Law §10, as they pertain to the New York State Navigation Law §46.4 and §73-b, allowing municipalities to establish vessel regulation zones within their borders.

Section 2: DEFINITIONS:

a. "Personal watercraft" shall mean a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on, or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel (Navigation Law §2(30)).

b. "Specialty prop-craft" shall mean a vessel which is powered by an outboard motor or a propeller driven motor and which is designed to be operated by a person sitting, standing or kneeling on or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel (Navigation Law §2(31)).

c. "Shore" and "shore-line" shall mean the line at low water mark of a body of water including the line at low water mark along the shore of any tributary, outlet, inlet or island in or adjacent to the body of water.

Section 3: PERSONAL WATERCRAFT AND SPECIALTY PROP-CRAFT REGULATION ZONE: There shall be a Personal Watercraft and Specialty Prop-Craft Regulation Zone on the following bodies of water in the Town of Brighton:

- a. Osgood Pond
- b. Osgood Pond's inlet stream from Jones Pond
- c. The Osgood River to its downstream limit of navigation
- d. Little Osgood Pond
- e. The canal between Osgood Pond and Little Osgood Pond
- f. Church Pond
- g. That portion of Upper St. Regis Lake that lies in the Town
- h. Spitfire Lake
- i. Lower St. Regis Lake
- j. That portion of the St. Regis River that lies in the Town
- k. The Spectacle Ponds
- l. Lake Shober

as designated on the maps of said bodies of water attached hereto, and made a part hereof, as Schedule A-1, A-2 and A-3.

Section 4: REGULATIONS FOR USE OF PERSONAL WATERCRAFT AND SPECIALTY_PROP-CRAFT: Within the regulation zones designated in Section 3, hereof, the use of personal watercraft and specialty prop-craft shall be prohibited within 1500 feet of the shoreline of such body of water. Due to the fact that each of the bodies of water listed "a." through "l." in

Section 3, hereof, is in all places less than or equal to 3000 feet from shore to shore, this prohibition is intended to effect a ban on the use of personal watercraft and specialty prop-craft on these bodies of water.

Section 5: ENFORCEMENT: The regulations set forth by this local law shall be enforced by peace and police officers of the New York State, the Code Enforcement Officer of the Town of Brighton and such other officials as may be empowered to do so.

Section 6: SIGNAGE: There shall be constructed on the shore of each body of water designated in Section 3, hereof, a signboard facing the water and bearing thereon in large letters "VESSEL REGULATION ZONE" pursuant to New York State Navigational Law §46.3. Such signboard shall be conspicuously placed on the shore at such locations, as the Town Board shall designate, to indicate the boundary of the regulation zone. Each signboard shall also set forth the restrictions adopted herein, as now or hereafter amended. A signboard conspicuously displaying the same information shall also be constructed facing land at the DEC boat launch site at Osgood Pond, the DEC boat launch site at Church Pond, the bridge on White Pine Road over the Osgood Pond inlet stream, and the bridge on Jones Pond Road over the Osgood Pond inlet stream.

Section 7: VIOLATION AND PENALTIES: Any person violating the regulations within a personal watercraft and specialty prop-craft regulation zone shall be guilty of a misdemeanor punishable as set forth in Navigation Law §46.4 and §73-b, and any amendments thereto.

Section 8: INTERPRETATION AND SEVERABILITY: The provisions of this local law and any amendments hereto, shall be literally construed to affect their purpose. If any section, clause, provision or portion of this local law, or any amendments hereafter adopted, is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this local law or the amendments shall not be affected. For this purpose, the provisions of this local law and the amendments, if any, are hereby declared respectively severable.

Section 9: EFFECTIVE DATE: This local law shall take effect immediately upon filing with the Office of the New York State Secretary of State.

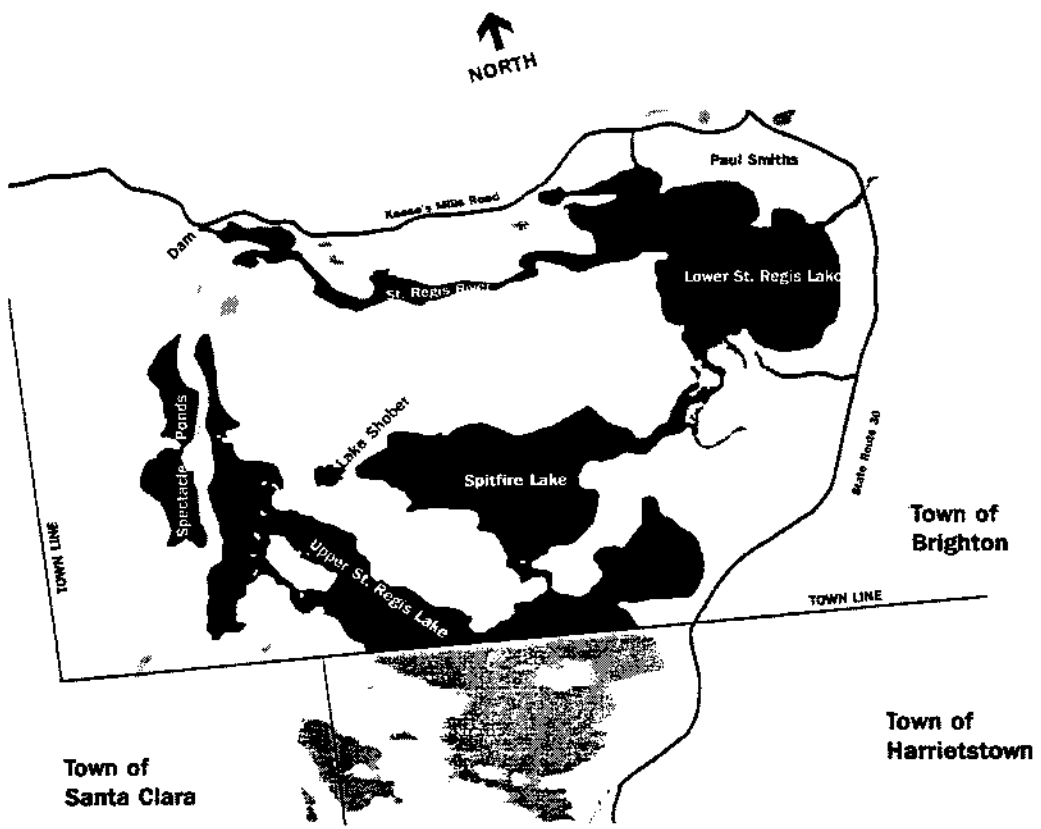
Filed: October 12, 2001

Schedule A -1

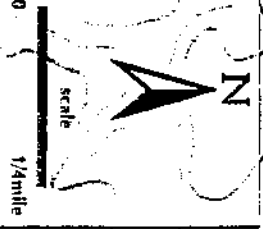
Local Law No. ____ of the year 2001

Waters of the St. Regis Watershed

■ designates waters to which Local Law No. __ applies



Osgood Pond Watershed Map



The Osgood River
is canoeable for
approximately 3 miles.
No carry north.

PAUL
SMITHS

OSGOOD POND

OSGOOD
RIVER

Black

Paul Smiths

Paul Smiths

Paul Smiths

