

**RUSHFORD LAKE RECREATION DISTRICT
RUSHFORD, NEW YORK**

*Guide to
District Policies
and Procedures*

www.rl-rd.com/Government/DistrictPolicies



**Adopted October 2013
Revised and Updated May 2018
Revised and Updated April 2019
Revised and Updated June 2020
Revised and updated May 2025**

Documents mentioned in this *Guide* are available at the
Rushford Lake Recreation District Office, on the official RLRD website,
or at other municipal agencies.

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Contact Information for the Lake District

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Rushford, NY 14777-0082

Phone: (585) 437-2017

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Relevant Agency Phone Numbers

Emergency	911
Allegany County General Information	(585) 268-7612
Allegany County Health Department.....	(585) 268-9250
Allegany County Public Works and Solid Waste Department	(585) 268-9230
Allegany County Soil and Water Department	(585) 268-7831
NYS DEC Conservation and Environment.....	(877) 457-5680
NYS DEC Fish and Wildlife.....	(716) 372-0645
NYS DEC Permits.	(716) 372-2113
NYS Police – Belmont, NY	(585) 268-9030
Rushford Lake Landowners Association	(585) 437-5145
Town of Caneadea	(585) 365-2928
Town of Rushford.....	(585) 437-2206

Welcome to Rushford Lake

Rushford Lake is a recreational lake located in the northwest corner of Allegany County, in western New York State. It is situated within the Towns of Rushford and Caneadea. In addition to being the site of a variety of recreational activities, the lake is an economic and social engine that impacts the financial and cultural well-being of its host county and the larger western New York region.

The lake was created when the Caneadea Dam was built between 1927 and 1929 as a hydroelectric power source by Rochester Gas & Electric. Its surface area is 600 acres and it has a maximum depth of 115 feet. Shaped like a crescent, the lake is 1,440.4' (feet) above sea level when full. Its ten miles of shoreline hosts hundreds of quaint cottages and beautiful homes. Approximately 12% of the lake district's 1,200 owners are year-round residents and experience the natural beauty of the fall and winter seasons. Many more cottage and home owners enjoy the lake in the late spring and summer months.

During the boating season, generally between Memorial Day and Labor Day, pontoon and sail boats glide gracefully across the lake, and some people enjoy lake living on run-abouts, jet skis, water skis, and water tubes. Still others paddle peacefully in their kayaks and canoes and fish from boats, piers, or on shore, or watch those who do. The lake and community culture is infectious and a source of local pride, as experienced by lake users as they are greeted by people's friendly waves from their docks.

Rushford Lake is a special place with clear waters basically untouched by non-native species of plants and animals. Once you discover its charm, you won't want to leave. So, welcome to Rushford Lake, where quality lake living and enduring friendships promote and highlight wonderful lifelong experiences and memories.

1. Statements

1.1 Statements of Purpose and Mission

The RLRD's *Guide to District Policies and Procedures* (hereafter, *Guide*) provides information about the history of the lake and the creation of the Rushford Lake Recreation District (RLRD or District) in 1981 (see section 2.2). It shares policies, rights, responsibilities, and regulations that govern the activities on District lands, on lake waters, and around the Caneadea Dam. Unlike most other lakes, the unique governance of Rushford Lake centers on the RLRD's cooperation and relationship with other public and private entities -- its landowners, its sponsoring towns and county, and other stakeholders. Ultimately, the RLRD is the primary entity charged with the responsibility of protecting, managing, and developing the lake, its lands, and its dam.

The RLRD Mission Statement is synthesized from the prescriptive and descriptive language of the original establishment law by the NYS Legislature in April 1981 (published on the RLRD website):

“The Rushford Lake Recreation District exists to preserve, promote, and enhance our dam, water quality, safe recreational experiences, property values, and community pride through visionary planning and efficient, sound resource management.” (*Resolution, May 20, 2023*)

The material in this *Guide* is a compilation and reconciliation of numerous state-level legislative decisions, subsequent amendments, and the local Board of Commissioners' motions and resolutions since the District's creation in 1981. Copies of any or all documents referred to herein, may be viewed at the RLRD office or on the District web site. Our purpose is to communicate this as a living document that develops with time and in response to a changing society and culture.

1.1.1 Disclaimer about this *Guide*

This *Guide* contains Commission-approved policies, procedures, rules, regulations, and descriptions to help readers understand how the lake is administered. It is not a perfect document nor is it intended to be absolutely comprehensive by addressing all possible applications of, or exceptions to, the policies and procedures described. For that reason, any questions concerning the applicability of a policy or practice should be addressed to one of the commissioners or the lake manager. However, neither the lake manager, any single commissioner, nor the RLRD District Secretary may act unilaterally to bind the RLRD to any contract, decision, or other exercise of the RLRD's legal authority. Any official decision or action must be determined by a quorum of the Board at a legally announced and conducted open meeting.

Most of the subjects described in this *Guide* are covered in detail in official policy and procedure documents, minutes of meetings, and separate motions and resolutions passed during the Board's open meetings. Further detail may be found on the RLRD web site or at the office. This *Guide* will be useful for both newcomers to the lake and to longtime residents. Where possible, these policies and associated resolutions are noted. Refer to these documents for specific information. The *Guide* does not constitute a legal contract or entitlement to benefits. The RLRD believes the most recently revised edition conveys accurate information, but please call attention to any observed errors through the RLRD office.

1.1.2 A Living Document

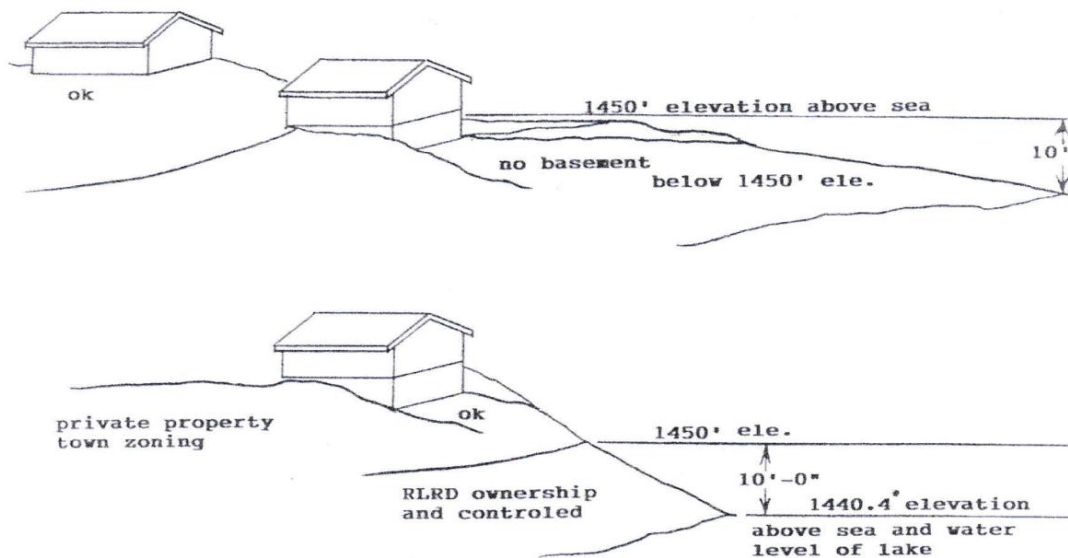
Any municipal entity's procedures and policies evolve and must be modified or discontinued with changing times. Boats get bigger, boat traffic gets busier, lake homes increase in number and size, waterfront space grows more crowded, the dam gets older, and new clean water threats increase. Thus, this *Guide* is a living document and not static and unchangeable. The edition currently in force is published on the RLRD web site, with other salient documents often mentioned. Some other documents are posted on the web site, but are not directly germane to these policies, such as the RLRD's *Strategic Plan: 2022-2027*. That document attempts to conceive of what the lake's future might be ideally and sets out plans and actions to move toward achieving those goals. Refer to the RLRD web site to review it (www.rl-rd.com/Government/DistrictPolicies).

Lake users and especially lake district residents are responsible for understanding all the RLRD policies and procedures that shape our working together as a lake community. Please request any clarification needed from the RLRD office, any of the commissioners, or the lake manager. The Board of Commissioners reviews these policies periodically for potential revisions and updates.

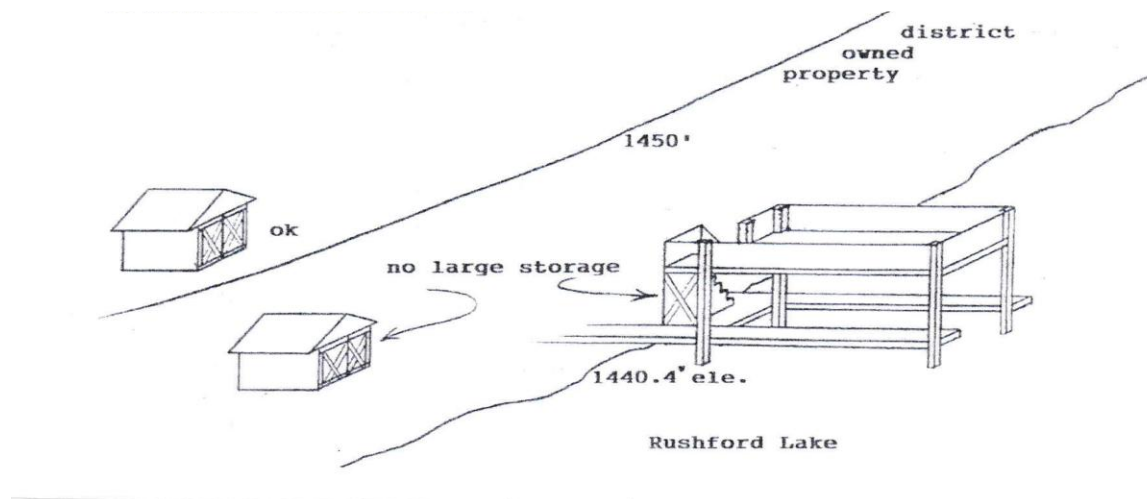
While we hope violations of our policies do not occur, there needs to be understandable and clear disciplinary action for breaches of policy, including, but not limited to, suspension or revocation of dock licenses, restriction from launching at the Balcom Beach public launch site, and referral to law enforcement authorities for additional action when necessary. These are detailed later in the interest of common clarity.

1.2 The 1450' (foot) Line of Elevation

The 1450' line of elevation is an imaginary line around the lake demarcating the RLRD lands and privately-owned property. It marks the distance above sea level at or near the shore, which is 1440.4', and varies from shore with the landscape. The following drawings depict visually the concept.



No structure can be built on district owned property without following the normal approval process through a work permit application. See appropriate sections below.



1.3 Lake Management

Property owners described in this *Guide* as Front Lot owners share the boundary with the Rushford Lake Recreation District at the point of the 1450' line. (Note: there are a few places when the line is 1445'.) The RLRD owns all lands from the 1450' elevation down to the water's edge and including under the water. (See Deed, Liber 799 Page 77, filed in the Office of the Allegany County Clerk). The dam is solely owned by the RLRD.

Therefore, all existing and future docks on RLRD property must be licensed through the District. Work permits must be acquired to perform any work (excepting only minor dock repairs described herein)

below the 1450' line. Later sections of this *Guide* provide further details of how the permit and license processes work.

All Front Lot dwellings are required to be built completely above the 1450' line on the Front Lot owner's real property. The RLRD has recognized that there may be some older dwellings situated totally or partially below the 1450' line, complicating the transfer of ownership with lending organizations. To facilitate such an infrequent property sale, the District has created a standard Easement Agreement form, *required* to be completed prior to a purchase agreement, whether or not a mortgage is sought (*Resolution: September 26, 2015*). The Easement Agreement form may be obtained in person from the RLRD office or by email request.

Normal annual water "draw down" (active lake de-watering via the dam) is approximately the end of the second week in October, or at the discretion of the Board. Adequate notice to residents will be given.

The lake is drawn down for several reasons: to bring the ice levels down to the thicker dam areas to help preserve the dam; to keep ice from damaging permanent docks; to allow maintenance work to be completed; and to freeze out as many noxious invasive species of plants as possible. Research has demonstrated, however, that some plant species are not eliminated by freezing. Originally, the Rochester Gas & Electric company used the water for hydroelectric power downstream during lighter river flows in the fall, but since 2001 the lake district no longer has a contract for this water-release purpose.

Waterfront building projects are best completed in the fall, so the RLRD strongly encourages the submission of work permits in the summer to take advantage of the longer post-draw down fall work season. In the spring the dam will be closed to raise water to a level just below most docks, which is approximately 1428'-1430' elevation above sea level. Anything built below the 1432' elevation is in danger of being destroyed by moving ice in the spring. ***The RLRD is not responsible for any structural damage caused by ice.***

When the ice is melted and no further threat of freezing is likely to occur, the dam valves and spillway gates will be closed to fill the lake to the 1440.4' elevation. The timing of such is unpredictable each year. During the summer season, the dam operators use reasonable efforts to keep the water elevation relatively stable.

1.4 Public Boat Launching

Trailer, motorized boat launching is *only* allowed at the Balcom Beach boat launch area. See the current boat launch fee schedule and policies, available on the website, which may change periodically. All car-top watercraft, such as kayaks and canoes, and trailer, sailboats, may launch free of charge. All watercraft are subject to NYS laws and must be free of aquatic plants, animals (e.g., zebra or quagga mussels), and microbial hitch-hikers not native to the lake. Compared to so many other sister lakes, Rushford enjoys being relatively free of invasive species. The RLRD concentrates its efforts preventing infestations rather than having to do expensive remediation of non-native species.

During the recreational off season, the Balcom Beach launch gate is always open. During the boating season, defined as between Memorial Day Weekend and Labor Day, the Balcom Beach launch gate is open during the posted hours of the trained and monitoring lake stewards. Gate-open times and associated fees are posted at the launch and on the official RLRD website as part of the detailed lake launch policy. Daily and seasonal passes (with optional gate key for 24/7 access) for non-lake district regional visitors are available. Lake district residents may obtain a free season pass and purchase an inexpensive launch gate key for their own 24/7 lake access.

The following watercraft are prohibited on Rushford Lake:

- Single-hulled powered watercraft over 21' in length
- Watercraft containing either a marine toilet, cuddy cabin, or other similar facility
- Multi-hulled watercraft (pontoons) exceeding 28' in length and 8-1/2' in width

Lake users must follow all NYS, Rushford and Caneadea town ordinances (see Section 4), and the NYS and RLRD Navigation, Boating, and Conduct rules (see Section 6.2) when boating on the lake.

Brianna's Law now requires that all motorboat operators must complete a boating safety course and obtain a certificate from the NYS Office of Parks, Recreation, and Historic Preservation, as of **January 1, 2025**. The certificate must be carried onboard, subject to fines (see Section 6.2.3 Operation of Vessels, for more detail).

NYS does recognize the boating safety courses issued by other states for visitors. Boat renters are allowed to operate a motorboat without first obtaining a boating safety certificate, though the renting establishment must provide basic instructions and safety information.

Jet ski (personal watercraft) operators must:

- Be at least 14 years-old
- Wear a U.S. Coast Guard approved life jacket
- Have acquired the NYS Boaters Safety Course Certificate

Information on the NYS Boaters Safety Course may be found online.

1.5 Public Picnic Area

The RLRD provides public grounds at the end of Lake Road on the north side of the dam. The public grounds are open from dawn to dusk. Please follow carry in/carryout practice by removing personal items and trash.

1.6 Public Beach

The beach on the south end of the lake, near Rush Creek Bridge (off County Road 49), is designated as the only public swimming area and has limited hours of operation. In the interest of public safety, the public is not allowed to launch boats in this area. This area is supervised by life guards on duty during the summer swim season (Memorial Day through Labor Day) by Allegany County via contract with the RLRD.

1.7 Public Fishing Areas

Fishing is allowed and encouraged on the Balcom Beach peninsula and on the north side of the dam, either on shore or from the fishing pier. All access to the lake must be through public access points. When fishing on Rushford Lake, all NYS and DEC regulations apply.

WARNING: Ice fishing on Rushford Lake is dangerous due to the frequently varying water levels leaving voids, which cause the dangerous condition of ice "caves." Changing climate conditions adds to the ice instability. Anyone venturing onto the ice for whatever reason does so at one's own risk.
(Resolution: June 20, 2020)

2. Formation and Administration of the RLRD

2.1 Brief History of Rushford Lake

Before Rushford Lake was created, it was the site of the two towns of East Rushford and Kelloggville. The land, now located at the bottom of Rushford Lake, had once been a small community, comprised of homes, farms, a sawmill, a grain mill, a tannery and a bucket factory.

Rushford Lake was formed by the construction of the Caneadea Dam in the Caneadea Creek canyon, between 1927 and 1929. At that time, the dam was considered the largest all-concrete dam east of the Mississippi River.

On Wednesday, April 4, 1928, a canvas canoe, constructed and owned by Hugh Thomas, was the first known boat to ride the rising waters of Rushford Lake. Hugh and Mary Katherine Thomas stopped that day at Crocker Hill Bridge. They dipped their canoe paddle from the iron railing of the bridge showing the water two feet deep.

Constructed by the Mohawk Electric Company (now known as Rochester Gas & Electric), the original purpose of the lake was to aid in the management of the headwaters of the Genesee River. The “Genny” flows through the Genesee Valley northward and through downtown Rochester, NY. At the time it frequently flooded. The formation of Rushford Lake provided some flood control and created a water source to augment the flow of the Genesee River in the early fall, keeping the hydroelectric power plant in Rochester operating during the drier fall season.

By 1976, Rochester Gas & Electric decided it no longer wanted control of the dam or the lake. As a result, the New York State Legislature voted to create a special recreation district in April 1981. The charter forming the Rushford Lake Recreation District is contained in the Laws of the State of New York of 1981. This charter established the boundaries and assigned ownership and authority to the District to be governed by a five member Board of Commissioners.

Today, Rushford Lake continues to be a popular destination due in part to the clear waters with excellent swimming, boating, water skiing, kayaking, and many other recreational activities.

2.2 Legal Authority and Operational Documents

The RLRD is a municipal corporation created on April 21, 1981 pursuant to the enactment of Chapter 78 of the 1981 NYS Laws (“Chapter 78”). On April 23, 1981, the RLRD received a fee interest in the land of Rushford Lake as more specifically described in a deed filed with the Allegany County Clerk’s Office under Liber 799, Page 77. The RLRD thereupon took authority from the Rochester Gas & Electric Company for the lake’s administration.

To review Chapter 78, see the “Government/District Policies” link on the web site home page.

In subsequent years, several legislative updates were enacted to amend a few of the original Chapter 78 provisions. Chapter 606 amended Chapter 78 and was approved July 22, 1982. Chapter 159 also amended the original legislation, as of June 16, 1986. These documents are useful to understand the detail of such things as exact boundaries of the lake district, eligibility for membership on the RLRD Board, eligibility to vote during lake district elections and referendums, the timeline for voting procedures, and budgeting timelines. All are on the RLRD website (rl-rd.com).

Other documents germane to the administration and oversight of Rushford Lake, and on the web site, are the following:

- *ByLaws of the Board of Commissioners*, first adopted May 27, 1983 and amended several times, most recently in May 2011

- *Strategic Plan: 2022-2027*
- *Code of Ethics for District Officers and Employees*
- *Sexual Harassment Prevention Policy*
- *this Guide to District Policies and Procedures*, most recently updated in 2025

Finally, a visit to the home page of the RLRD web site (rl-rd.com) yields many other links that provide information about the list of current commissioners, minutes of meetings, scheduled board and committee meetings, announcements and news, current and past issues of the semi-annual lake district newsletter (*Rushford Lake Matters*), and much more.

3. Fiscal Guidelines

3.1 Budget

A. Authority

The budget will be prepared in accordance with the rules, regulations, procedures, and forms set forth by the State Comptroller. The budget is also subject to all other regulations set forth by law, i.e., Section 305, subdivision 5 of the Agricultural and Market Law; Section 115 of the Town Law, Section 806 of the Real Property Law; and Section 165 of the Local Finance Law.

B. Duties

1. The Board is required by Chapter 78 as amended by Chapter 159 to prepare a complete budget each year.
2. The Treasurer, as the fiscal officer, shall work with the Board in preparing the budget.
3. The Secretary shall record and file all data, post all notices and inform all of the required persons.

C. Formation of Budget

Calendar Year: January 1–December 31

1. Preliminary Budget: The Board will:
 - a. Prepare an annual budget for review and file it with the District Secretary by August 15
 - b. Publish in at least one local paper a notice announcing a public hearing on the budget. The notice will include the date, time and place where the hearing will be held along with any other additional materials (i.e, a proposition that will be on the ballot).
 - c. A copy of the preliminary budget will be available for inspection in the District office.
 - d. Hold a public hearing on the preliminary budget and other concerns. The date will be the last Saturday of August.
 - e. Consider all of the opinions and advice submitted by the District residents at the hearing.
2. Final budget after the public hearing:
 - a. The Board will finalize the budget by resolution by the last meeting of the board in September.
 - b. The Board will transmit copies to the Supervisor of the Towns of Caneadea and Rushford before the first day of November.
 - c. The Supervisor of the Town of Rushford will submit a copy of the budget to the Allegany County Legislative body with the town budget.
 - d. The sum of all sources of income subtracted from the total of projected expenses will show the amount of tax levy required for the fiscal year.

D. Budget Format

1. Investments: all monies on deposit in all financial institutions, bond, certificates of deposit or any other form of savings or investment will be shown in the budget.
2. Income: all sources of incoming funds (interest, water sales, tax revenues, grant revenues, fees, sale of assets, rentals, boat launching, gifts, donations and any other monies paid to the District), along with the balance of funds on hand will be shown under Receipts.
3. Expenses
 - a. Board of Commissioners: All projected expenditures for fulfilling the function and duties of the Board including but are not limited to:

1. legal fees	8. commissioner expenses
2. consulting fees	9. postage
3. office rent	10. election costs
4. insurance	11. official mileage
5. telephone	12. miscellaneous
6. office supplies and expense	13. memberships
7. survey charges	14. office equipment
 - b. Operation: All regular and periodic expenditures for operating and maintaining the Caneadea Dam, and other District property and equipment, but not limited to:

1. utilities	7. equipment
2. security costs	8. minor repairs
3. property improvements	9. lake data monitoring
4. water testing	10. boat launch expenses
5. insurance	11. miscellaneous
6. supplies	
 - c. Labor: All expenses for employees including but not limited to:

1. salaries/wages	4. maintenance mileage
2. payroll taxes	5. subcontractors
3. workmen's compensation	6. health and disability insurance
 - d. Repair: All repair and maintenance requiring outside assistance such as:

1. engineering	4. general contractors
2. subcontractors	5. estimators
3. inspectors	

Including but not limited to work such as: stairs, fences, ramps, motors, concrete repair, property improvement, caulking, repointing.

3.2 Procurement Policy

This section sets forth the procurement policies and procedures of the RLRD, which meet the requirements of General Municipal Law Section 104-b.

A. Purpose

Goods and services, which are not required by law to be procured pursuant to competitive bidding, must be procured in a manner to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, to facilitate the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Board of the Rushford Lake Recreation District is adopting internal policies and procedures governing all

procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 of any other general, special or local law.

B. Procedures for Determining Whether Procurements are Subject to Bidding Procedures

The Board shall determine the likely amount of any expenditure for goods or services and shall then determine if the maximum amount is in excess of the statutory bidding threshold amount. If the likely amount of expenditure is in excess of such amount, the responsible official shall prepare specifications and notice of bid. If the responsible official is uncertain of the requirements, then the official shall consult with the RLRD or relevant committee of such a Board or shall consult with the RLRD attorney. If the responsible official shall determine that the expenditure for such goods or services are not subject to competitive bidding, then the official shall proceed in accordance with the non-competitive procurement procedures set forth in this policy.

C. Methods of Procurement

1. Expenditures of less than \$2,000

- a. Such expenditures may be made by a person authorized by the RLRD Board.
- b. Prior to making purchases, an investigation of the need for the proposed acquisition of goods or services shall be made. The responsible official shall investigate to determine the exact nature of the perceived need and the most advantageous manner of meeting that need. If the Board or relevant committee perceives any misuse of discretion by the responsible official, it shall discuss it with such official and establish specific additional guidelines or procedures to supplement this resolution.

2. Expenditures greater than \$2,000 but less than \$20,000

- a. Such expenditures may be authorized by majority approval by the RLRD Board, in accordance with New York State law. Seasonal and emergency services may be advertised and may be let out for bids on a competitive basis.
- b. Prior to making purchases, a thorough investigation of the need for the proposed acquisition of goods or services must be made. The responsible official shall investigate to determine the exact nature of need perceived and the most advantageous manner of meeting that need. If the Board or relevant committee perceives any misuse of discretion by the responsible official, it shall discuss it with such official and establish specific additional guidelines or procedures to supplement this resolution. (*Sec C.1-C.2, Resolution: April 27, 2019*)

3. Expenditures greater than \$20,000

- a. If the responsible official determines from investigation that the amount of the likely expenditures for the goods or services will be in excess of the amount of \$20,000, then such official shall be required to prepare a detailed description of the proposed purchase. The description shall be sufficient to permit a prospective vendor or service provider to evaluate the nature of the goods being purchased or services desired to be provided to locate at least three (3) prospective suppliers or vendors for such goods or services and shall solicit bids from such suppliers or vendors.
- b. The responsible official shall evaluate all proposals from all vendors or suppliers to determine whether they meet the established specifications. If all proposals meet the specifications, then the official shall make the purchase from the supplier or vendor offering the goods or services to the Board at the lowest price (see section c. below). The responsible servicing of goods, warranties and similar factors will be taken into consideration if it is determined that they are of significant importance for the particular proposed expenditure.

- c. The responsible official shall maintain records at the RLRD office showing the specifications, bids, or proposals and other relevant information. If the official determines that the lowest priced proposal is not in the best interests of the RLRD, the official shall set forth the reasons for this decision in a memorandum, which shall be submitted to the RLRD Board or relevant committee.

D. Annual Review of these Policies

The RLRD Board shall annually review these policies and procedures. The RLRD Treasurer shall be responsible for conducting an annual review of the procurement policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policies.

E. Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of this policy shall not in itself be grounds to avoid action taken or give rise to a cause of action against the RLRD Board or any officer or employee thereof.

F. Resolution

Adopted on October 8, 1993 by unanimous vote of the governing commission of the Rushford Lake Recreation District. Any specific changes are indicated within parentheses by date of the Resolution.

3.3 Investment Policy

The objectives of the Investment Policy of the Rushford Lake Recreation District (hereinafter the District, are to minimize risk; to ensure that investments mature when the cash is required to finance operations; and to ensure a competitive rate of return. In accordance with this policy, the District Treasurer with authority from the Board of Commissioners is hereby authorized to invest all funds including proceeds of obligations and reserve funds in:

- Certificate of deposit issued by a bank or trust company authorized to do business in New York State;
- Money Market Accounts in a bank or trust company authorized to do business in New York State;
- Obligations of the United States Government;

All investments made pursuant to this investment policy shall comply with the following conditions:

A. Collateral

Certificates of deposit shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be held by the seller bank's trust department or its designate. The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit. Collateral shall be monitored monthly and market value shall mean the bid or closing price as quoted by another recognized pricing service.

B. Written Contracts

Written contracts are required for certificates of deposit. All purchases will be confirmed in writing to the District.

C. Financial Strength of Institutions

All trading partners must be credit worthy. Concentration of investments in financial institutions should be avoided.

Investments in money markets and certificates of deposit are to be made with banks or trust companies. Their annual reports must be reviewed by the District Treasurer to determine satisfactory financial strength.

D. Operations and Reporting

The District Treasurer with approval of the Board of Commissioners shall authorize the purchase and sale of certificates of deposits on behalf of the District.

The District will encourage the purchase and sale of certificates of deposit through a competitive or negotiated process involving telephone solicitation of at least three bids for each transaction.

At least annually, the Rushford Lake Recreation District Board of Commissioners shall review and amend, if necessary these Investment Guidelines.

The provisions of these Investment Guidelines and any amendments hereto shall take effect prospectively, and shall not invalidate prior investment.

All records are on file at the RLRD office.

4. Caneadea and Rushford Ordinances

Introductory Local Law No. 1 of 2010
Town of Caneadea & Town of Rushford – Public Property Protection Local Law
be it Enacted by the Town Board of the
Towns of Caneadea & Rushford as follows:

4.1 Declaration of Policy

The Town Boards of the towns of Caneadea and Rushford find that uncontrolled and unauthorized use of the real property of the State of New York, County of Allegany, Towns of Caneadea and Rushford and its districts, departments and subdivisions, and Rushford Lake Recreation District, is a source of danger and risk to those municipalities, and to those persons using such publicly owned real property. It is the intent of the Town Boards to protect all municipalities from damage to their real property and improvements, and to safeguard them from claims, suits and actions related to unauthorized or prohibited use of their real property.

4.2 Definitions

- a. Person – any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind.
- b. Unauthorized use – any use other than that for which the property is intended, including any use prohibited by signage or other communication, whether written or oral, and including any trespass upon any real property owned or under the control of the municipality.

- c. Municipality – the State of New York, County of Allegany, Towns of Caneadea and Rushford, Rushford Lake Recreation District, or any department, district, or other subdivision of any of those named municipal entities.

4.3 General Provisions

- a. No person shall enter upon or use any real property owned by any municipality named in Section 2 of this local law for any purpose other than that for which such real property is clearly posted and indicated.
- b. Public roads, highways, bridges and other public rights of way may be used by the general public for vehicular and pedestrian and bicycle passage, but shall not be used for other purposes except where posted for such other usage. This prohibition shall include jumping from roads, bridges, dams or other structures, the operation of roller blades, skateboards, or other non-motorized equipment on public property, except where authorized, or the operation of off-road vehicles contrary to the provisions of the Vehicle and Traffic Law, and similar unauthorized usages.
- c. Real Property posted against trespass shall be deemed to be off limits for use by any person or persons other than those specifically authorized to use such premises by the governing board or official of such municipal entity.
- d. Enforcement Procedures.
 - 1. All law enforcement officers, the Town Supervisors of the Towns of Caneadea and Rushford, all municipal constables, and the Superintendents of any municipal department or district, are hereby authorized to issue Appearance Tickets to any person violating the provisions of this local law.
 - 2. Such Appearance Tickets shall conform to the provisions of the Criminal Procedure Law.
 - 3. Jurisdiction for enforcement of this local law is hereby vested in the Town Justice Courts of the Towns of Caneadea and Rushford.

4.4 Penalties

- a. Any person violating any provision of this local law shall be guilty of a violation, punishable by a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) or imprisonment for not more than fifteen (15) days, or both. Each instance of violation shall constitute a separate additional violation. Such fines or penalties shall be imposed and collected in accordance with the provisions of the Criminal Procedure Law.
- b. If any minor under the age of eighteen (18) years commits a violation of this local law, such minor's parents and/or legal guardian shall be liable for a violation of this local law and shall be punishable by a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00), but shall not be subject to imprisonment for such violation.
- c. In lieu of punishing a person for a violation of this local law, the person issuing the Appearance Ticket may prosecute such violation as a civil matter, and may request the Court to impose a civil penalty in an amount not less than one hundred fifty dollars (\$150.00) or more than three hundred fifty dollars (\$350.00).

4.5 Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be illegal or void, then such clause, sentence, paragraph, section or part shall be deemed severed from this local law and the remaining provisions shall remain in full force and effect and its provisions strictly enforced.

4.6 Effective Date

This local law shall take effect immediately upon its filing in the office of the New York State Secretary of State as required by the Municipal Home Rule Law.

5. Policy for Use of District Property

5.1 Purpose

5.1.1 Intent This policy shall govern the use of District property.

5.1.2 Authority The authority over operating the Rushford Lake Recreation District is given to a five (5) member Board of Commissioners by Chapter 78, passed by the New York State Legislature in 1981. Chapter 78 authorizes the Board to maintain, manage and control all of the District's property in all respects, including, without limitation, for the protection and preservation of its land; the safety and recreational benefit of the District's residents and invitees; and to maintain public access.

The RLRD is a municipal entity governed by five members of a commission board. Three commissioners are elected at large for three-year staggered terms by the lake district residents. One is appointed by the Town of Rushford and one is appointed by the Town of Caneadea. Appointees serve annual terms at the pleasure of their respective town boards. Under the leadership of the commissioners, the RLRD's operations and policies are carried out through several special committees and paid part-time employees.

Use of District property is governed by the policies of the RLRD, and all laws, ordinances, and rules of the Towns of Caneadea and Rushford, New York State Department of Conservation, Army Corps of Engineers, Allegany County, and New York State.

5.2 Definitions

5.2.1 Back Lot A plot of private land situated within the RLRD that does not abut District property on any of its sides.

5.2.2 Board Abbreviation for the Board of Commissioners, the five-member body charged with the responsibility of managing District property and overseeing its business and financial matters.

5.2.3 Community Docks One or more docks containing two or more slips licensed to two or more back lot owners.

5.2.4 Community Dock Associations All community docks shall have an association developed with bylaws and eligible membership applicable to the geographic area of the dock's use, registered and in compliance with RLRD policy. See Section 5.6 regarding Community Dock Association Agreements.

5.2.5 District Generally refers to all the lands bounded by NYS Route 243 and County Road 49. Specific boundary lines are legally described under Chapter 78, and found on the RLRD web site. The term is also used to refer to the authority vested in the Board by the laws of New York State.

5.2.6 District Property Includes the dam and adjacent structures, certain surrounding lands, and all land below the 1450' line of elevation including beneath Rushford Lake. Balcom Beach, the Public Beach (leased to Allegany County), and the fishing area and pier near the dam are parts of the District where there is public access to the lake. A detailed description of District Property is contained in the deed filed with the Allegany County Clerk's Office under Liber 799, Page 77.

5.2.7 Front Lot A plot of private land situated within the District that abuts District property at either 1445' or 1450' elevation. Front Lot owners have a dedicated site. When private land abuts District property, the District property may be available for the Front Lot owner's exclusive use. The area available is that part between the line of elevation and the water's edge, which is between the real property boundaries as they are *typically* extended in a straight line from the back stakes, through the front stakes, and to the water. A Declaration of Easement clarifies the exclusive use of the dedicated site on RLRD lands below the line of elevation and between the extended Front Lot property lines. The Declaration is on the RLRD web site (*Resolution: March 25, 2017*). Where extended lines across RLRD lands would cut off other boundary lines, or cross open water, or create other conflicting (or potentially

conflicting) situations, the District has the authority to determine within its sole discretion the exact and nuanced boundaries based on the factors in each case.

5.2.8 License An official permit issued by the RLRD granting permission for use of RLRD property.

5.2.9 Licensee Holder of a license issued by the RLRD.

5.2.10 Line of Elevation The 1450' line of elevation is an imaginary line around the lake demarcating the distance above sea level (1445' in a few places) and is approximately 10 vertical feet, above the 1440.4' elevation, which is the water level of the lake when full. This represents the boundary line of the property owned by the District and includes all land below this elevation, including under the lake.

5.2.11 Private Property Land legally deeded to private concerns or individuals in the District above the 1450' line of elevation.

5.2.12 Right-of-Way (ROW) A legally defined plot of land that is designated for egress and ingress to the lake. Access to a Right-of-Way may be limited to those granted such rights in either an easement or a deed.

5.2.13 Habitable dwelling A developed structure that contains the basic amenities for living in that space, such as electricity, a county-certified and functional septic system, a kitchen or kitchenette, sleeping accommodations, and potable running water.

5.3 License

5.3.1 Why You Need a License The District owns all the land under and around the lake below the line of elevation. Accordingly, it is necessary for owners to apply for and be granted a License for use before any individual use is made of District property.

5.3.2 Scope A license grants the licensee permission to use the dock or dock slip in its exact condition at the time the license is granted. This includes use for activities that involve the specific land, water, and any in-place structure. It does not give permission to change anything *structurally* on the land or in the water without the proper permit issued by the RLRD. If a licensee has any question about whether a permit is required for "simple maintenance" (defined in Section 5.4), check with the RLRD office.

5.3.3 Factors Affecting Use of District Property The Board of Commissioners shall be able to consider a variety of factors regarding the impact of an encroachment or activity which shall include, but not be limited to, the following:

- a. environmental considerations
- b. location of activity or encroachment
- c. aesthetic considerations
- d. concern over high water level
- e. crowding of either people or structures
- f. navigation concerns
- g. swimming concerns
- h. fishing concerns
- i. noise concerns
- j. attitude of surrounding property owners
- k. erosion concerns
- l. safety concerns
- m. impact upon peaceful enjoyment of private property
- n. maximization of benefits of the lake for people within the District

- o. historical use of property
- p. long term development plans of the Rushford Lake Recreation District
- q. preservation of property values
- r. ease of regulating activities on public property
- s. economic investment upon public property
- t. availability of licensee with regards to supervising conduct surrounding an encroachment
- u. traffic concerns

(Resolution: September 1982)

There is no allowance nor sanction for any type of private commercial development, whether by temporary vending stands or permanent structures for the same within the boundaries of land owned by the Rushford Lake Recreation District. *(Resolution: June 1984)*

5.3.4 Eligibility Anyone who owns property in the District may request a license. However, no dock license or access to boat docking space shall be granted to any person owning property within the District unless that property shall be improved by a permanent residence (whether seasonally used or a full-time dwelling) which is assessed on the tax rolls of the towns of either Caneadea or Rushford.

A permanent residence as used within RLRD guidelines shall mean a structure with a minimum 500 square feet used as a habitable dwelling and which is affixed to the ground by means of a foundation, piers, or other similar attachment. An approved mobile home may be considered a permanent residence if affixed to the ground permanently and meets the minimum 500 square foot requirement. *(Resolution: April 1985; approved edits with no substantive changes: June 20, 2020)*

To obtain a license, the following documents must first be presented by the property owner to the RLRD for review and the permanent office file:

- a. Copy of a current deed on record in the Allegany County Clerk's Office and in the requestor's name. This shall be a legal description of property owned within the District.
- b. Copy of proof of a 500 square foot residence (may be obtained from a survey, a tax bill, or the Assessor's office).
- c. Copy of a current Allegany County approved septic system inspection certificate for an operating sewage disposal system. No metal tanks are permitted *(Resolution: March 1991)*. The County approval must be dated within the previous 15 years to be deemed compliant.
- d. Copy of a front lot owner's survey, or for any property owner abutting the 1450'. Back lot owners with no 1450' intersection need not submit a survey.
- e. If applicable, copy of a current electrical inspection certificate proving all electrical hookups below the 1450' elevation line meet all fire underwriters' standards. All outlets must be Ground Fault Interrupter (GFI) protected. *(original Resolution of a-e: October 1998; GFI reference added June 20, 2020)*

5.3.5 Responsibilities Signing and accepting a license constitutes an agreement to be bound by all of the policies of the District. The license is the property of the District and may be suspended and/or revoked at any time for cause as determined within the RLRD's discretion.

The grant to use District property does not extend any rights against the RLRD, its officers, employees, agents or anyone performing a service for the District.

The license holder shall hold harmless and indemnify the District for any damages arising out of the licensee's actions and omissions while using or permitting others to use RLRD property.

No right is granted to fence, post, or to take any other physical or legal action seeking to delineate the license holder's region or claim to use. (See the Declaration of Easement for exclusive use of a dedicated site below the 1450' line. *Resolution and Declaration of Easement: March 25, 2017.*)

The license holder is responsible for all activity on RLRD property whether or not approved by the holder.

If illegal actions are performed on District property, the responsibility for that action is the named license holder. Illegal activities occurring on District property may result in a review, suspension, or revocation of the license.

The District reserves the right of ingress and egress to RLRD property upon notification of the land owner, except in emergency situations and in accordance with the terms of the general Declaration of Easement, particularly point 6, as found on the RLRD web site. (*Resolution and Declaration of Easement: March 25, 2017*)

All structures on District property must be kept in good physical repair and in aesthetically acceptable condition. Any structural change requires a permit. Simple maintenance does not require a permit. (*See Section 5.4 on Code Enforcement and for further clarification of when permits are required*).

5.3.6 Conditions The license holder agrees to use the property in such a way as not to create a nuisance for neighbors or other users. All docks, watercraft, hoists, etc. must remain a minimum of five feet from neighboring front lot property lines. This five-foot policy does not apply to back lot license holders. Conditions should remain pleasant and convenient for all. Any disputes concerning the conditions and use of District property shall be resolved within the discretion of the RLRD (*see Section 5.3.3*).

The property will be maintained in such a way as to make it safe and aesthetically acceptable. Control of grass, weeds, debris, waste as well as shoreline stabilization and erosion are strongly encouraged.

A non-refundable fee is required at the time the license application is submitted. All docks are required to display the District assigned dock number on the water end of the dock or deck.

Property lines are projected into the water as is feasible for use, safety, and convenience (*see 5.2.7*).

5.3.7 Requests To receive a license to use or a permit to change District property, it is necessary to submit a completed permit request form. If any required information is not submitted the application will be returned.

Any proposed changes, including, without limitation, the addition or removal of ground, cutting or planting trees, shrubs, etc., or improvements to District property, including, without limitation, docks, additions to docks of any type, break walls, boat lifts, ramps, structures of any type, whether permanently attached or not, must be applied for in writing to the Board of Commissioners before any work or construction is commenced.

Because all substantive change requires an approved work permit, no changes to the plans are allowed after the permit is approved. If any change to the plans is necessary, it must be approved by the RLRD and documented on the permit.

Failure to apply in writing or failure to obtain such written consent prior to commencement may result in a total denial of use of District property and shall result in an automatic denial of said proposed change or construction. Further, the Board of Commissioners will not consider any application for said proposed change or construction for a minimum period of six (6) months. (*Resolution: July 1985*)

All permit requests shall be submitted to the District office no later than 14 days prior to the monthly Board meeting date when action is requested.

All lakebed construction permits for the spring construction season shall be submitted by February 1 of that year. (*Resolution: May, 2005*)

All permanent files in the RLRD office for specific lots or properties, in addition to the five (a – e) listed above in section 5.3.4, must also include:

f. Three (3) site drawings (overhead view, side view and front view) of the dock and break wall structures and any neighboring docks.

g. Community Dock association agreement (*see Section 5.6*).

h. All materials used for construction on District property must be approved by the Board before using. Preservatives and procedures will be approved on their merits. All exact dimensions and material to be used in construction or rebuilding should be listed and followed. Drawings need not be to exact scale.

i. Once the RLRD work permit is secured, the next step is obtaining a Building Permit through the Office of Code Enforcement. See section 5.4 for further detail. (*Resolution: March 28, 2015*)

5.3.8.1 Official Board Action Consideration of and action to approve a dock license will occur in a regularly scheduled Board of Commissioners meeting. All are invited to attend, observe, and contribute to discussions.

Approved: If everything is in order and acceptable, an approval is granted. A license (or a work permit) will be sent by ground mail. A copy of the work permit should be given to your contractor and kept on site at all times. When the work is complete, the signed original work permit should be returned to the District office for final approval. After approval, the work permit will be returned to you, and a copy placed in your file.

Deferred: If information is inaccurate or incomplete when presented to the RLRD for consideration, the request will be temporarily deferred. (Notification or explanation will be made to the requestor.) When information is complete, the request can be reconsidered in a future meeting.

Denied: Some requests cannot be granted as presented. When a request is denied, the requestor will be notified in writing with the reason(s). If the request can be reworked to eliminate the objection(s), it can be resubmitted.

5.3.8.2 Duration A license is valid so long as the named licensee owns the property attached to the license and follows the District rules relative to licenses.

If for any reason a license is terminated or revoked, all the licensee's rights revert back to the District.

Work permits are valid for one year from the issue date. The request may be easily renewed for a second year by contact with the RLRD office. Renewals must be done prior to the expiration date, and only *one* extension will be granted. After the 24th month, a new permit request must be submitted.

5.3.9 Dock License Transfer Policy

A license is valid and may be transferred so long as the named licensee owns the property attached to the license, and the licensee is in compliance with District policy and rules at the time of transfer.

License transfers provide property owners with a vehicle to transfer their dock license at the time of property sale or transfer. However, the license does not automatically transfer with the real property sale. This transfer does not always provide the buyer with the same access and rights the previous licensee enjoyed (*see Section 5.6, Community Dock Associations*).

For a dock license to transfer at the same time as the real property, submit:

- a. A request for pre-sale dock and waterfront inspection **prior to** listing the real property for sale (obtained at the office or printed from the web site)
- b. Then, upon approval of the pre-sale dock and waterfront inspection, list the property.
- c. Upon sale, request the license transfer.

The request must include the following information:

1. Name(s) of seller(s)
2. Address and tax I.D. # of the property being transferred
3. All dock numbers (on end of dock and in current written license agreement)
4. Names(s) of adjoining property owners and dock numbers if it is on a community dock

Upon receipt of the completed pre-sale dock and waterfront inspection for property transfer request, the RLRD will complete an on-site inspection. If the dock and waterfront passes inspection then a pre-approved Dock and Waterfront Inspection for Property Transfer Certificate will be issued to the seller. The seller should present the certificate to a prospective buyer.

If the dock and waterfront fails the pre-approval inspection, then a report identifying the issues will be sent to the seller. The seller may correct the issues and request a new dock and waterfront inspection or work with the buyer to satisfy the deficiencies. Either way, the seller should present the pre-sale inspection report to a prospective buyer for full disclosure.

5.3.10 Dock lease or rental from RLRD The RLRD owns and leases or rents slips at the Caneadea Dam park area and the swimming beach area. Obtain further information and agreement forms at the RLRD office. (*Resolution: April 27, 2016*)

5.4 Improvements on District Property: Front Lot

Any and all substantive improvements and alterations on District property must have prior written permission in the form of an RLRD permit. Failure to do so will result in disciplinary action which may include suspension or permanent revocation of the dock license. A permit request form must be submitted and approved by the RLRD board before any work is started.

A previous section (Section 5.3.5) conveys the licensee's responsibility to keep District property below the 1450' elevation in good physical and aesthetic condition. The following examples of simple maintenance of docks, decks, platforms, steps, stairs, or stair railings on District property are not exhaustive but clarify the nature and scope of improvements and alterations that do not require an RLRD permit or Department of Environmental Conservation (DEC) approval.

- a) painting, staining, or power washing
- b) replacing an existing rotted, weathered, or split board
- c) securing an existing unstable dock post (with bracing) or loose dock/deck board
- d) repairing or stabilizing existing hand rail or steps

All other improvements and alterations below the 1450' elevation requires the Licensee to complete an RLRD permit free of charge. Contractors doing permitted work on RLRD property must file a current Certificate of Liability Insurance with the RLRD office (*Resolution: June 2020*). If there is a question, it is always best practice to contact the RLRD office and the lake manager for assistance and planning next

steps. Regulations for some work, particularly within the lakebed, may require additional DEC approval. *(Resolution: March 28, 2015)*

It is the policy of the Rushford Lake Recreation District that all applications for permits to build structures, including but not limited to, docks, decks, boathouses, stairs, railings, ramps, break walls and drains, on any lands owned by the RLRD shall be processed through the Code Enforcement Office of the town in which the land is situated after an initial permit is granted by the RLRD. It will be at the discretion of the Code Enforcement officer to refer the applicant for further engineering or consultation on any proposed structure not covered by the current code. The permit applicant shall file with the RLRD a duplicate copy of any application made to the town's Code Enforcement office. The applicant shall be responsible for any fees that may be charged by the towns' code enforcement offices, and the applicant shall be responsible for filing the Code Enforcement officer's final approval with the RLRD before receiving the RLRD's final approval. *(Resolution: March 28, 2015)*

5.4.1 Docks All docks, hoists, watercraft, etc. must remain a minimum five feet from extended neighboring property lines *(see Section 5.5 for community dock owners)*.

Dock length will be determined by the need to reach a depth of four feet of water and the length of other docks and lake usage in that area. Safety concerns are a prominent factor.

Dock height shall be at least 12 inches above the normal lake level (1440.4').

Recommended: that all dock posts be buried at a minimum depth of four feet to prevent heaving by frost.

Storage chests require Board approval through the normal work permit process. Chests may be placed or constructed on the dock/deck but not exceeding 24 square feet with a height of not more than three feet. The top should have a lock which cannot latch by itself. *(paragraph updated and approved by Board, November 15, 2018)*

5.4.2 Platforms Any non-inflatable platform/raft not attached to the shoreline (floating) shall not be larger than 100 square feet. Platforms should not be placed so as to be a navigational hazard.

5.4.3 Break Walls All break wall work requires a permit from the RLRD and written approval from the New York State Department of Environmental Conservation (NYSDEC), prior to construction. No metal break walls are permitted. For further specifications, contact the District office for the "Break Wall Standards."

5.4.4 Stairways Stairways and railings shall be constructed to conform with current town building code.

5.4.5 Ramps No launch ramps of any size are to be cut into or built anywhere on District property. Handicap ramps are subject to the regulations of the Americans with Disabilities Act.

All trailered, motorboat launching is restricted to the Balcom Beach Public Boat Launch. (Resolution: March 28, 2015)

5.4.6 Sheds No structure of any size may be placed or built on District property below the 1450' line of elevation without the RLRD's prior written approval through the work permit application. Storage sheds larger than 80 square feet are not permitted. The Board will review and render a decision on applications

or storage sheds under 80 square feet on a case-by-case basis, taking into account its proposed location and any other relevant property conditions.

5.4.7 Drains All drainage lines on District property must have prior written approval before excavation is started.

No adulterated liquids of any kind may be discharged directly into the lake.

All drains that encroach on District property must be inspected in their entirety by the District before any part of it is covered, including the source.

Approved drainage lines will be exactly located on a plot plan on file in the District office and visibly marked at the point of discharge into the lake.

A permanent, visible marker should be placed at the point of discharge below the 1450' elevation.

Periodic tests will be made under the direction of the District.

5.5 Improvements on District Property: Community Docks

Any and all substantive improvements and alterations on District property must have prior written permission in the form of an RLRD permit. Failure to do so will result in disciplinary action which may include permanent revocation of the dock license. A permit request form must be submitted and approved by the RLRD board before any work is started.

See Section 5.4 introduction for the town Code Enforcement Office involvement in building and structural integrity. Contractors doing permitted work on RLRD property must file a current Certificate of Liability Insurance with the RLRD office (*sentence added by Resolution: June 20, 2020*).

5.5.1 General Community Dock Site Information In some specified areas, land had been set aside for assignment to District property owners whose land does not abut the District. These areas were referred to as a Right-of-Way. To the best of our knowledge, there is currently no public Right-of-Way.

5.5.2 Docks At community dock sites, available space will be determined by the RLRD.

Dock length will be subject to determination by the RLRD, taking into consideration the length of other neighboring docks, lake front usage, lakeview sightlines, and safety as prominent factors.

Dock height shall be at least 12 inches above the normal lake level (1440.4').

It is recommended that all dock posts be buried at a minimum depth of four feet to prevent frost heaving.

Each community dock association may plan a collaborative structure to be approved by the Board through the normal work permit process. Storage chests may be placed or constructed on the dock/deck, generally not exceeding 24 square feet with a height of not more than three feet. The Board will consider each request for storage structures, including its location, on a case-by-case basis, depending on the number of participants and the unique property variables. The top should have a lock which cannot latch by itself. (*paragraph updated and approved by Board, November 15, 2018*)

The docking space is licensed for use by the named holder of that license only. It is not intended to be shared or sublet.

5.5.3 Decks In a Community Dock situation, decks will be limited by the available space. Where the existence will cause problems, construction may be denied.

5.6 Community Dock Association Agreements

5.6.1 The RLRD requires Community Dock groups to form an association. All Community Dock associations should submit a basic agreement to the District. Any conditions unique to any association must be approved by the District and written into the agreement. Copies of all agreements must be filed in the District office. For further information contact the District Office for a copy of “Association Agreements.”

5.6.2 Assignment of Space on Community or Association Docks All community docks shall have an association developed with by-laws. These by-laws should prescribe the rules governing assignment of dock space. The association shall not assess its members any fee for the privilege of obtaining a space on the dock, except for normal expenses incurred in construction, maintenance, and/or operation of the association.

All docks shall conform to the dock policy currently in effect at the time of construction or renovation.

5.6.3 Eligibility All association members shall own property within the geographic area described in the association’s by-laws (e.g., Parkside Dock Association allows membership only to Lakeshore Drive and Parkside Drive property owners).

5.6.4 Procedure When submitting an application for a new association, which includes construction, expansion, or change in dock assignments, the following procedure will apply:

- a. The RLRD shall be given a copy of the bylaws and membership.
- b. Users of space on the dock must submit a “change in use application” accompanied with a \$25.00 registration fee.
- c. Any unassigned space on a community dock may be assigned by the RLRD Board following the eligibility guidelines. The assignee shall pay the association only for the space share of construction, maintenance and reasonable interest incurred to obtain the space and would become a regular member of the association. (*Resolution: October 1998*)

5.7 Action against Licensee For Non-Compliance

5.7.1 Violations of RLRD Policies Any identified violations of RLRD policies will be documented and the license holder will be sent a letter via *certified mail* indicating the character of the violation and a demand to remedy or cease and desist with a stated deadline to comply.

A license holder’s failure to fully comply with the demand on or before the stated deadline shall result in the automatic suspension of the applicable license. The RLRD shall then provide the license holder written notice via *certified mail* of a due process hearing date upon which the license holder may be heard on the issue of his/her violations of RLRD policies. Following the hearing, the RLRD shall have the option to take any one or more of the following actions:

- a. Revoke the license holder’s license;

- b. Prohibit the license holder, or anyone on his or her behalf, from entering upon the District's property;
- c. Direct the lake manager to remedy any violating conditions/misuse, including, without limitation, the removal of any violating structures at the license holder's expense;
- d. File a notice of license encumbrance with the Allegany County Clerk's Office and maintain a license suspension or revocation until the conditions in the encumbrance are satisfied;
- e. Direct RLRD's counsel to initiate a court action against the license holder;
- f. Restore the license holder's license;
- g. Extend the suspension and deadline to comply, subject to automatic revocation for continued noncompliance by the extended deadline;
- h. Render any other determinations the RLRD determines just and appropriate.

In the event the RLRD files a court action against the license holder for reasons arising out of his/her violations of RLRD policies, the license holder shall be responsible for the RLRD's attorney's fees, court costs, and disbursements.

5.7.2. Deadlines for File Documents and Septic Compliance The RLRD has adopted certain deadlines specific to achieving full compliance with the licensee's file documents and septic, which deadlines shall be stated in the above-stated demand letter:

- Deed needed for file: 60 days from the date of notification to provide a copy of the deed to the RLRD.
- Survey needed for file: 90 days from the date of notification to provide a copy of an instrument survey prepared by a licensed surveyor to the RLRD.
- Septic system approval for file: one year from the date of notification to provide proof from the Allegany County Department of Health that the septic system is functioning properly and has passed all necessary tests.
- 500 square foot dwelling requirement: two years from the date of notification to erect a 500 square foot or larger dwelling on the property.

If the licensee does not believe that achieving full compliance can occur within the time allotted, then an extension request must be submitted to the RLRD in writing. In the case of a septic system approval or erection of a 500 square-foot dwelling, the request for an extension must be submitted no later than six months prior to the date that full compliance is expected. (*Sec. 5.7.2 adopted Resolution: June 28, 2014*)

5.8 Non-Conforming Uses of Structures

5.8.1 Continuance of existing non-conforming uses. Lawful uses of sheds, boathouses, and/or other structures on District property, existing at the time when this section or any amendment becomes effective may be continued, unless the Board determines, after notice and reasonable opportunity to be heard, applying the criteria established by Sec. 5 Policies, that such nonconforming use shall cease, be limited, restricted, conditioned, or otherwise changed.

One factor the Board must consider, in addition to other Sec. 5 Policies, is inspection of the exterior and interior of the nonconforming use. Where such inspections reveal unlawful activity, including but not

limited to, the presence of outhouses, toilets, or other means to store or discharge human waste, no conforming use shall be permitted and the Board may take all other actions permitted or required by any law, rule, policy, and/or procedure.

5.8.2 Changes in use: expansion, reconstruction, or structural alteration A non-conforming use shall not be changed in use, expanded, reconstructed, or structurally altered except as permitted by Sec. 5 Policies.

5.8.3 Changes from conforming to nonconforming uses A non-conforming use, if changed to a conforming use, may not later be changed back to any nonconforming use except as permitted by Sec. 5 Policies.

5.8.4 Changes in ownership Upon change of ownership, as here defined, of property abutting District property, where a nonconforming use exists on District property, the Board may, in its discretion, subject to Sec. 5 Policies and upon notice and reasonable opportunity to be heard,

1. Permit the non-conforming use to continue;
2. Require the non-conforming use to cease; or
3. Condition or otherwise restrict or limit the continuation of a non-conforming use upon conditions based on Sec. 5 Policies and any other applicable law, rule, policy, and procedure.

5.8.5 Request for Final Determination An existing owner or potential new owner may make a written request, before a Change of Ownership, that the Board determine whether the nonconforming use will continue, cease, be limited, restricted or conditioned as provided for herein. The Board shall make a Final Determination on such written request within 60 days after the requestor has an opportunity to be heard, has paid an application fee of \$25.00, and the Board has been given an opportunity to view the interior and exterior of the nonconforming use and consider the factors set forth in Sec. 5 Policies and all other applicable laws, rules, policies, and procedures.

5.8.6 Final Determinations reliable for one year An owner or any potential new owner may rely on the Final Determination for a period of 12 months from the date of the Final Determination, at which time it shall expire automatically and without further notice. Where a Final Determination has expired, nothing shall be construed as limiting the Board's authority under Sec. 5 Policies or elsewhere or limiting an owner or potential new owner from requesting that the Board determine again whether a non-conforming use will be allowed to continue, cease, restricted, limited or conditioned as provided herein. In such situations, the request for another Final Determination shall be governed by the policies established as if made for the first time.

5.8.7 Change of Ownership For purposes of Sec. 5.8, change of ownership means a change of owner(s) as reflected on a deed, filed or proposed to be filed with the Allegany County Clerk's Office, whether such change occurs by reason of sale, gift, inheritance or other property transfer not arising from operation of law upon death. Ownership changes that occur by operation of law following death of a natural person (i.e., joint tenants with rights of survivorship and/or tenants by the entirety), however, are not changes of ownership.

Where property is owned by an artificial person created by law, for example, and not by way of limitation, an LLC, corporation or partnership, a change of ownership occurs when a controlling interest in the artificial person takes place even if there are no changes to a deed. Whenever a non-conforming use of an artificial person is at issue, the Board may elect not to permit a nonconforming use to continue unless provided with proof as to the identity of all natural person(s) owning the equity of the artificial person. *(Section 5.8 adopted Resolution: March 28, 2015)*

6. Rules of the Lake

6.1 General Lake Rules

6.1.1 Variable launch fees will be assessed, following periodic review by the Board of Commissioners, for motorized watercraft (e.g., jet skis, pontoon boats, runabouts, and fishing boats) when lake stewards are on duty. See the RLRD office, web site (spring newsletters), or lake manager for current launch fees and policies in force. *(Numerous resolutions address this historically)*

6.1.2 No watercraft over 21 feet or watercraft containing a marine head or other similar facility or sleeping quarter, and no multi-hulled watercraft over 28 feet long and 8½ feet wide will be allowed on Rushford Lake. *(Resolutions: August 10, 1990 and February 16, 2006)*

6.1.3 Jet ski operators must be a minimum of 14 years of age, wear a U.S. Coast Guard approved life jacket and all ages have to have passed the N.Y.S. Boaters Safety Course.

6.1.4 No motor bikes or all terrain vehicles are to be driven anywhere on the lake bed of Rushford Lake or on District property at the Balcom Beach launch area, and District property in the area of Caneadea Dam. *(Resolution: June 13, 1986)*

6.1.5 No swimming at Balcom Beach.

6.1.6 No jumping off the Caneadea Dam.

6.1.7 No swimming at bridge by the public beach or jumping off the bridge. *(Town ordinance 9/10/93)*

6.1.8 Speed limits of boats is detailed in 6.2.3 below.

6.2 Rules for Navigation, Boating, and Conduct

6.2.1 Definitions

VESSEL means any floating craft including those powered either mechanically or by force of a person's physical exertion; any commercial or recreational craft capable of flotation on top of, or travel under the water's surface for purposes of carrying one or more passengers or other cargo.

OWNER means the person holding title to a vessel, except a public vessel chartered for a period of more than 30 consecutive days, in which case the OWNER shall include the person chartering the vessel.

PERSON means an individual, partnership, corporation or association.

BOARD OF COMMISSIONERS means the body of five individuals governing the body of the Rushford Lake Recreation District as provided in Chapter 78 of the NYS Laws of 1981.

SUNSET means the daily appearance of the sun below the Western horizon as set and published by the National Weather Service.

SUNRISE means the daily appearance of the sun above the eastern horizon as set and published by the National Weather Service.

MOTORBOAT means any mechanical powered vessel.

OPERATOR means an individual who operates or navigates a vessel.

DOCK means a wharf, or portion of a wharf, and generally connected with the uplands throughout its length.

PIER means a wharf, or portion of a wharf, extending along the shoreline with water on both sides.

UNDER WAY means the vessel is not at anchor, or made fast to the shore, or aground.

CUDDY CABIN means any vessel with a factory manufactured closed compartment in the bow of said vessel large enough to accommodate one or more persons.

6.2.2 Equipment In addition to the equipment required under Section 40 of the NYS Navigation Law, the following shall apply to the Rushford Lake Recreation District.

Equipment Required on Motorboats

- A US Coast Guard approved life preserver for each person on the motorboat.
- A US Coast Guard approved fire extinguisher for motorboats with enclosed compartments

Equipment Required on Other Vessels

- A US Coast Guard approved life preserver for each person on the motorboat.
- A US Coast Guard approved fire extinguisher, if vessel has an enclosed compartment.

VALID WATERCRAFT REGISTRATION CERTIFICATE must be carried on board whenever a vessel is under way.

LIGHTS: Any vessel under way after sunset must illuminate a bright white light aft to show all around the horizon and a combined 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 must have illuminated, at all times after sunset, a visible white light, unless such a vessel is secured to a dock or pier.

CAPACITY PLATE: Every vessel operating on Rushford Lake Recreation District waters shall be required to have a US Coast Guard approved Capacity Plate affixed to it.

6.2.3 Operation of Vessels In addition to the operating requirements set forth under Section 40, 41, 42, 45, 70 and 70 of the NYS Navigation Law the following shall apply to the Rushford Lake Recreation District.

OPERATOR CERTIFICATE: Brianna's Law was enacted in NYS on January 1, 2020, with several years of run-up to full compliance. The law now requires that all motorboat operators must complete a boating safety course and obtain a certificate from the NYS Office of Parks, Recreation, and Historic Preservation, as of **January 1, 2025**. A NYS boating safety certificate is required for all recreational boaters using motorized vessels, including personal watercraft. It must be carried onboard, subject to fines. Optional: Carry your certificate wherever you go by adding an anchor icon on your driver's license. Visit the NYS ParksAdventure License page to apply.

NYS CERTIFICATE EXCEPTIONS: NYS does recognize the boating safety courses issued by other states for visitors. Boat renters are allowed to operate a motorboat without first obtaining a boating safety certificate, though the renting establishment must provide basic instructions and safety information.

Vessels not permitted on Rushford Lake Recreation District waters:

- Any vessel, other than a pontoon boat, exceeding 21 feet in length.
- Any cuddy cabin.
- Any vessel with a marine head or other type of toilet facility.
- Any motorboat designed, manufactured or distributed for professional racing purposes.

RECKLESS OPERATION: All vessels must be operated in a safe and courteous manner at all times. NO vessel shall be operated in any manner which unreasonably interferes with the free and proper use of Rushford Lake or unreasonably endangers users of Rushford Lake.

WAKE BOATS: Of particular concern, although all boat operators should be vigilant, is the necessary etiquette and safety practiced by wake boat operators. Both visitors and district residents, as wake boat owners, must take special care not to endanger other lake users in kayaks and canoes, on tubes or skis, or swimmers. Further, the law restricts speeds with proximity to shore, as noted below. Any shoreline, boat, or dock damage due to destructive wake boat rogue waves may result in fines or other penalties, such as removal from the lake. The Sheriffs' Marine Patrol is on alert to press the full extent of the law.

Except as noted herein, when the vessel is underway:

- All persons in the vessel must be sitting down.
- All persons on the vessel are prohibited from sitting on the edge or on the backrest portion of a seat.

Exceptions:

- Operation of a jet ski as described in Section 6.3.
- The operator of and passenger on a pontoon boat.
- The operator of a vessel when necessary for visibility so as to provide for the safe operation of the vessel.
- When a vessel is being operated within 100 feet of shore.

SPEED LIMITS No 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.

The maximum speed limit at points within 100 feet of shore shall not exceed 5 MPH except when starting or dropping off a water skier.

The maximum speed limit in the channels and bays and at points within 150 feet of the dam, unless otherwise specified in this Article, shall not exceed 5 MPH.

During daylight (between sunrise and sunset), the maximum speed limit on the Rushford Lake Recreation District waters, unless specified otherwise, shall not exceed 45 MPH. After sunset, the maximum speed is 15 MPH.

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

6.2.4 Water Skiing and Jet Skiing In addition to the provisions regulating the use of waters skis under Section 73 and 73-a of the NYS Navigation Law, and in addition to the provisions of Section 6.2.3 of this local law which shall apply to the operation of jet skis, the following shall apply to the Rushford Lake Recreation District.

Safety vest: All water skiers and jet skiers must wear a commercially acceptable ski vest.

Shoreline Distance: A skier may not ski within 100 feet of the shoreline except when commencing to ski or ceasing to ski or dropping off the tow rope when finished skiing.

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 is at all times in a position to observe the progress of the person being towed.

6.2.5 Jet Skis Jet skis, wet bikes, or other similar powered recreational vessels are subject to the operation regulations described in Section 6.2.3 of this local law.

No operation after sunset, given the absence of running lights.

6.2.6 Sailboating In addition to the provisions affecting the operation of sailboats described in Section 41 of the NYS Navigation Law, the following shall apply to the Rushford Lake Recreation District:

RIGHT-OF-WAY Sailboats shall have the right of way over mechanically powered 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 if necessary to avoid danger.

6.2.7 Swimming Persons swimming or floating on tubes, air mattresses, or other air inflated vessels, shall not travel more than 75 feet from the shoreline unless accompanied by a boat.

6.2.8 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.

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

NO PERSON shall dump, throw, deposit or place or cause to be thrown, dumped, 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.

NO PERSON shall throw or deposit upon any waterway or District property 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.

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 District property shall immediately remove the same or cause it to be removed.

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

6.2.11 The Towns of Rushford and Caneadea adopt this local law pursuant to Section 130 of the NYS Town Law the Municipal Home Rule Law.

6.2.12 The Rushford Lake Recreation District adopts 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.

6.2.13 The violation of any of the provisions of sections 6.2.2 and 6.2.3 of this local law shall be subject to:

- A fine not exceeding \$250 for a conviction of a first offense.
- A fine of not less than \$50 nor more than \$300 for a conviction of a second offense committed within a period of 18 months.
- A fine of not less than \$100 no more than \$500 for a conviction of a third or subsequent offense committed within a period of 18 months.

6.2.14 Any person who violates any other provision of this local law shall be subject to a fine not to exceed \$250.

7. Forms

Forms for applying for a Work Permit, Dock License, Voter Registration, Easement Agreement (for property sale), and Dock Inspection for License Transfer may be obtained at the RLRD office or printed from the RLRD web site (rushfordlakerecreationdistrict.org) under "Permits & Licenses Info."