

Chapter 192, BOATING AND WATERWAYS

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories.
Amendments noted where applicable.]

GENERAL REFERENCES

Bonfires -- See Ch. 235, § 235-12.

Parks and recreation -- See Ch. 301.

Solid waste -- See Ch. 350.

ARTICLE I, Watercraft on Susquehanna River [Adopted 9-6-2005 by Ord. No. 05-65 (Ch. 3, § 3-7 of the 1970 Code)]

§ 192-1. Operation restrictions.

No person shall at any time operate a boat, kayak, canoe or other watercraft within 600 feet above, nor 20 feet below, Rock Bottom Dam on the Susquehanna River, except in such places as are designated for that purpose, which places, when and if designated, shall be under the control and supervision of the Department of Parks and Recreation.

§ 192-2. Portaging authorized.

Nothing in this article shall be read to prohibit those operating a boat, kayak, canoe or other watercraft on the Susquehanna River from portaging around that portion of the river they are prohibited from navigating by this article.

§ 192-3. Penalties for offenses; restitution; recovery of damages.

A. Any person found guilty of violating or assisting in the violation of any provisions of this article shall be guilty of a violation and liable for a fine not exceeding \$500 or imprisonment for a period of not more than 15 days, or both.

B. Any person found guilty of willfully, intentionally, and/or purposefully violating or assisting in the violation of any provisions of this article shall be guilty of a violation and liable for a fine not exceeding \$1,500 or imprisonment for a period of not more than 15 days, or both, and restitution shall be required to the City of Binghamton for the cost of any rescue from any City agency pursuant to Subsection C.

C. Restitution.

(1) In addition to any other penalty provided by this section, a judge may, at the time of sentencing, make restitution to the City of Binghamton for the cost of any rescue a condition of any sentence for any person convicted of violating this article. If such restitution is ordered, except for good cause shown, it shall be paid within 30 days of the date of the sentence.

(2) Willful failure to comply with such restitution order shall result in a term of imprisonment not to exceed 15 days, or community service not to exceed 100 hours, or both such imprisonment and community service.

D. Nothing in this section shall be interpreted so as to diminish any other lawful remedy to recover for damages.

§ 192-4. Warning signs.

A. Signs shall be posted at, on or near the Tompkins Street Bridge warning those operating a boat, kayak, canoe or other watercraft on the Susquehanna River that they are approaching both the Rock Bottom Bridge pilings and the Rock Bottom Dam and informing them of the prohibition of this article.

B. Signs and/or buoys shall also be placed at a point 600 feet above the dam warning that entry into that portion of the river is prohibited.

C. Signs shall also be placed at on both banks of the Susquehanna River below Rock Bottom Dam warning that it is illegal for any person to operate a boat, kayak, canoe or other watercraft within 20 feet below Rock Bottom Dam.

ARTICLE II, Activities on Rivers and Riverbanks [Adopted 12-5-2005 by Ord. No. 05-85 (Ch. 14, Art. IV, §§ 14-40 through 14-45, of the 1970 Code)]

§ 192-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BATHE or BATHING -- To be totally or partially immersed in water for the purposes of swimming and/or for the purpose of cleansing one's body.

CAMP or CAMPING -- To erect, place, pitch or position any tent or temporary shelter, canopy or similar type device in or upon municipal property, including but not limited to the riverbanks.

DEBRIS -- See "garbage" and "litter."

GARBAGE -- Any waste accumulation of animal, vegetable, fruit or similar organic matter that attends the preparation, use, dealing in or storage of meat, fish, fowl, fruit or vegetable; metal containers, paper cartons or other containers that have contained food materials and beverages; discarded paper, rubber, cloth, leather, as well as inorganic waste such as glass, porcelain or other similar waste materials that ordinarily accumulate around a home, business or industry.

LITTER -- Any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste which may be classified as debris, garbage or junk.

OPEN FIRE -- The burning or causing to be burned, or aiding and/or assisting in the burning, of any dry vegetation, leaves, trash, garbage, paper or other combustible material, for the purpose of disposal in any street, lot or parcel of land (either public or private) within the City of Binghamton limits.

PUBLIC PLACE -- Any place to which the public or a substantial group of persons has access, and includes but is not limited to the riverbanks, highways, pedestrian malls, streets, sidewalks, alleys, parking areas, municipal parking ramps, garages, other transportation facilities, pools, places of amusement, parks, playgrounds, together with hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

PUBLIC PROPERTY -- Any real property owned by the City of Binghamton, including but not limited to parks, playgrounds or property along the Susquehanna River and Chenango River.

RIVERBANK -- Any area within 150 feet of the edge of the water of either the Susquehanna River or the Chenango River within the boundaries of the City of Binghamton.

SWIMMING -- To move through the water while floating in the water propelled by means of the movement of the legs and/or arms. Swimming should be distinguished from wading for the purposes of fishing.

§ 192-6. Damage to trees and plants on riverbanks.

No person shall cut, injure, destroy or damage or appropriate to themselves trees, shrubs, or other plants or any portion thereof growing on any publicly owned portion of the riverbanks.

§ 192-7. Fishing and hunting; molesting wildlife.

A. Fishing in those portions of the Susquehanna River and Chenango River located within the City is regulated solely by the New York State Department of Environmental Conservation regulations, and nothing in this article shall be construed to prohibit those authorized by the State of New York from fishing in the rivers.

B. No person shall hunt, pursue with dogs, trap or in any other way molest any bird or animal, or rob or molest a bird's nest or take the eggs of any bird on the public property within the riverbank area.

§ 192-8. Fires, bonfires and cooking fires.

A. No person shall burn or cause to be burned, or aid or assist in the burning of, any dry vegetation, leaves, trash, garbage, paper or other combustible material upon any riverbank in the City of Binghamton,

except that it shall not be unlawful to start and maintain fires in any receptacle constructed and provided by the Parks Department for such purposes and solely for the purposes of cooking food.

B. Any fire maintained pursuant to this section shall be under the care and direction of a person over the age of 18 years from the time it is kindled until the time it is extinguished.

C. Charcoal shall be the only manner of fuel used by the public for maintaining fires pursuant to this section.

D. The use of propane or similar fuels is prohibited without prior consent of the Fire Marshal, and such consent should only be given for special events at the sole discretion of the Fire Marshal. Open burning for recreational purposes (bonfires) shall be permitted only for organization-sponsored events and restricted to those meeting all of the requirements of the "open fire application" from the Fire Marshal's office. No fire shall be ignited prior to an on-site inspection and written approval from the City of Binghamton, including approval of the Fire Marshal in compliance with § 235-12 of the Code of the City of Binghamton.

§ 192-9. Disposal of garbage; burning of garbage prohibited.

Garbage shall be disposed of only in those containers that are appropriately and conspicuously marked for such purposes. At no time shall there be any burning of garbage by members of the public using the riverbank area.

§ 192-10. Littering in waters and on riverbanks.

A. No person shall drop, deposit, dump or leave behind any rubbish, garbage, lawn refuse, ashes, papers, cardboard, metal cans or other metallic substances, bottles, glassware or any other refuse, waste material or other unwanted material of any kind on the riverbanks, except that any such materials resulting from picnics or other permitted activities shall be disposed of in compliance with § 192-9 of this article.

B. No person shall, either within or outside a riverbank area, discharge into, throw, cast, lay, drop or leave in a river, brook, stream, reservoir, storm sewer or drain that flows into either the Susquehanna or Chenango River any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of said river, brook, stream or reservoir or interfere with the conservation of the natural resources of the City of Binghamton's waterways, or endanger the health, safety or well-being of persons utilizing the riverbanks area; nor shall any person permit any rubbish, garbage, lawn refuse, ashes, papers, cardboard, metal cans or other metallic substances, bottles, glassware or any other refuse, waste material, litter or other unwanted material of any kind or other matter or thing, either liquid or solid, which may or shall result in the pollution of said river, brook, stream or reservoir, to be deposited upon such lands in such a manner that the same may fall into the river or be carried into the river in times of flood or high water.

C. The provisions of Chapter 350, Solid Waste, of the Code of the City of Binghamton shall apply on the riverbanks.

§ 192-11. Urination and defecation.

No person shall urinate or defecate on the riverbank or in the rivers except in a restroom facility provided for that purpose.

§ 192-12. Bathing or swimming in Susquehanna and Chenango Rivers.

A. No person shall at any time swim in the Susquehanna River or the Chenango River, within the limits of the City, except in places designated for such purpose and under the control and supervision of the Parks Department.

B. No person shall at any time bathe in the Susquehanna River or the Chenango River, within the limits of the City.

C. Nothing in this section shall be construed to prohibit persons authorized by the State of New York to fish from wading in the Susquehanna River or the Chenango River within the limits of the City of Binghamton.

§ 192-13. Camping on riverbanks.

No person shall be permitted to erect, place, pitch or position any tent or temporary shelter, canopy or similar type device within the riverbank area.

§ 192-14. Sleeping on riverbanks.

A. No person shall sleep on any riverbank between the hour of 9:00 p.m. and 9:00 a.m. or at any time when the temperature has dropped below 40° F. as read at the Broome County Airport.

B. No person shall swing, occupy or use any hammock thereon except in such portions thereof as may be designated by the Parks Department for such purpose.

§ 192-15. Enforcement; penalties for offenses.

A. Upon witnessing or observing any violation of this article an appearance ticket returnable in City Court may be issued by any police officer or other City official authorized to issue appearance tickets pursuant to Chapter 181, Appearance Tickets, of the Code of the City of Binghamton.

B. Any person violating any of the provisions of this article as defined herein shall be guilty of a violation and, upon conviction thereof, shall be liable for a fine as set forth in Chapter 1, General Provisions, § 1-4, General penalty.

C. Any person willfully and purposefully violating any of the provisions of this article as defined herein shall be guilty of a violation and, upon conviction thereof, shall be liable for a fine not less than \$150 nor exceeding \$150 or imprisonment not exceeding 15 days, or to both such fine and imprisonment.

D. It shall be presumed that after an initial conviction for the violation of any provision of this chapter any second or any additional violation of that specific provision was willful and purposeful.