

GENERAL--ALL COUNTIES

LAWS OF NEW YORK--By Authority
CHAP. 736

AN ACT to amend the conservation law, in relation to dams and other structures in streams.
Became a law May 24th, 1913, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

Section 1. Section twenty-two of chapter six hundred forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forests, waters, parks, hydraulic power, fish and game," constituting chapter sixty-five of the consolidated laws and known as the conservation law, as amended by chapter four hundred forty-four of the laws of nine-teen hundred and twelve, is hereby amended to read as follows:--

#22. Structures for impounding water: penalties No structure for impounding water, not a part of the canal system of the state, shall be erected or reconstructed by any public authority or by any private person or corporation without notice to the commission nor shall any such structure be erected, reconstructed or maintained without complying with such conditions as the commission may by order prescribe for safeguarding life or property against danger therefrom. No order made by the commission shall be deemed to authorize any invasion of any property rights, public or private, by any person in carrying out the requirements of such order. The commission shall have power, whenever in its judgment public safety shall so require, and after a hearing either on its own motion or upon complaint, to make and serve an order directing any person, corporation, officer or board, constructing, maintaining or using any structure hereinbefore referred to, to remove or reconstruct the same within such reasonable time and in such manner as shall be specified in such order, and it shall be the duty of every such person, corporation, officer or board to obey, observe and comply with such order and with the conditions prescribed by the commission for safeguarding life or property against danger therefrom, and every person, corporation, officer or board failing, omitting or neglecting so to do, or who hereafter erects or reconstructs any such structures hereinbefore referred to without submitting to said commission and obtaining its approval of plans and specifications for such structures or who hereafter fails to remove, erect or to reconstruct the same in accordance with the plans and specifications so approved shall forfeit to the people of this state a sum not to exceed five hundred dollars to be fixed by the court for each and every offense; every violation of any such order shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance thereof shall be and be deemed to be a separate and distinct offense. This section shall not apply to a dam where the area draining into the pond formed thereby does not exceed one square mile, unless the dam is more than ten feet in height above the natural bed of the stream at any point or unless the quantity of water which the dam impounds exceeds one million gallons.

#2 This act shall take effect immediately.

STATE OF NEW YORK

Office of the SEC. of State: ss.

I have compared the preceding with the original law on file in this office and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

MITCHELL MAY
SEC. OF STATE