

LAWS
OF THE
STATE OF NEW YORK,

PASSED AT THE
ONE HUNDRED AND TWENTY-FIFTH SESSION

OF THE
LEGISLATURE,
BEGUN JANUARY FIRST, 1902, AND ENDED MARCH
TWENTY-SEVENTH, 1902, IN THE CITY OF ALBANY.

VOL I.



ALBANY:
J. B. LYON COMPANY, STATE PRINTERS,
1902.

Chap. 267.

AN ACT to amend the forest, fish and game law, relative to taking of shellfish on beds of natural growth.

Became a law, March 27, 1902, 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 one hundred and twenty-five of chapter twenty, of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

Forest, fish and game law amended.

§ 125. **Dredging and raking for shellfish.**—Dredges for taking of shellfish from public or unleased lands shall not be operated from any boat propelled otherwise than by sail or oars.

§ 2. This act shall take effect immediately.

Chap. 268.

AN ACT to amend chapter one hundred twenty of the laws of eighteen hundred eighty-six, entitled "An act to revise the charter of the city of Lockport" and the several acts amendatory thereof and supplemental thereto, relating to the construction and maintenance of water works and the procuring of a supply of pure and wholesome water sufficient for public and domestic purposes, and to repeal section one hundred fifty-five of said act.

Passed without the acceptance of the city.

Became a law, March 28, 1902, 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 one hundred thirty-five of chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled, "An act to revise the charter of the city of Lockport,"

Charter amended.

and the several acts amendatory thereof and supplemental thereto is hereby amended so as to read as follows:

City water works authorized.

§ 135. The city may purchase, construct, maintain, and regulate water works for supplying said city and its inhabitants with water and may purchase, lease or otherwise acquire such lands, easements, property, tenements, hereditaments, rights, privileges and franchises, as may be required therefor, within the counties of Niagara, Erie and Genesee; and in case the city is unable to agree upon the terms of purchase or lease of such property, it may acquire the same by condemnation proceedings. For the purpose of securing a supply of pure and wholesome water in and for said city for public and domestic purposes, the common council may and it is hereby authorized:

Condemnation proceedings.

Bonds, issue of.

First. To issue bonds to an amount deemed necessary by the common council, not exceeding five thousand dollars, and expend the proceeds thereof in the investigation of the different sources and plans for a supply of pure water for municipal and domestic purposes for the city of Lockport, and to employ an expert or experts, in the performance of such work. Said bonds shall bear interest at not to exceed four per centum per annum, payable semi-annually, and shall not be sold at less than par. Said bonds shall be signed by the mayor and countersigned by the city clerk of said city, and be sealed with the city seal, and the principal and interest thereof shall be payable at the office of the city treasurer of said city, or at such other place as the common council thereof shall designate. The city treasurer shall invite sealed proposals for said bonds by public advertising for not less than ten days, and shall award the same to the highest bidder or bidders therefor, provided that no proposals for said bonds shall be accepted for less than the par value of the same. Said proposals shall be publicly opened by the city treasurer in presence of the mayor and city clerk. One-fifth of the amount of the principal of the bonds so issued shall become due and payable in each year after the issue thereof until said bonds be fully paid. The common council of said city is authorized to raise by general tax levy in each and every year, after the passage of this act, the amount of principal and interest of said bonds due in each such year. The moneys received from the sale of said bonds shall be placed by the city treasurer

Interest, rate, and when payable.

Sale.

Tax.

to the credit of a fund to be known as the "municipal water supply investigation fund," and shall only be used for the purposes of this act, and all drafts thereon shall be audited and approved by the common council.

Second. To submit to the electors of said city, any proposition, which may be adopted by it under the subsequent subdivisions of this section, or either of them; and no contract or agreement shall be entered into nor any bonds issued, as therein provided, until the proposition, which has been adopted by the common council, shall have been submitted to and approved by the electors as herein provided. Such proposition shall be submitted to such electors in the manner provided by the election law, at either a general or special election, and the common council is hereby authorized to call a special election for such purpose. If a special election be called it shall be held in accordance with the provisions of the election law applicable thereto. The common council shall cause to be published twice in each week, for at least three weeks immediately preceding such election, in all the daily newspapers published in said city, a notice subscribed by the clerk of said city, containing in general terms the proposition or propositions to be submitted to the electors at such election, and the estimated expense to the city, involved therein or the amount of bonds proposed to be issued therefor. Every elector qualified to vote at such election shall be entitled to vote upon such proposition or propositions, and a majority of all the electors voting thereon shall be necessary to the approval thereof. In the event of the failure of the electors of said city to so approve of any proposition or propositions so submitted, said common council shall have the power again to submit the same or any other proposition or propositions in the manner hereinbefore provided and to continue such submission from time to time until the approval of a proposition so submitted be had. In the event of the approval by the electors of a proposition therefor submitted as required by this subdivision, the common council shall, and it is hereby authorized to,

Propositions to be submitted to electors.

Election law applicable.

Publication of notice.

Electors to vote on propositions.

Third. Acquire, construct, maintain, control, and operate a system of water works, with pumping stations, conduits, reservoirs and other requisites to furnish the city of Lockport with water from any source in Niagara, Erie or Genesee coun-

Construction of water works.

ties, or any body of water adjacent thereto. The common council and all persons acting under its authority and direction shall have the right to enter, appropriate, occupy and use any public street, highway, avenue, road or other public ground, for the purpose of constructing, maintaining and operating such water works in the counties aforesaid, but shall, in all cases, restore the same to its former state of usefulness. A contract or agreement shall not be entered into under this section which shall require an expenditure of more than five hundred dollars, without first advertising for at least sixty days for proposals to enter into contract for the work or materials required, and all such contracts shall be let to the lowest bidder, who shall furnish such security for faithful performance as shall be approved by the council, and the council may reject bids, in its discretion, and readvertise for proposals. If the city of Lockport shall construct a system of water works under the provisions of this subdivision, said common council is hereby authorized to issue bonds in the name and upon the credit of the city of Lockport, which shall be executed by the mayor under the corporate seal of the city and countersigned by the city clerk, in an amount not exceeding five hundred thousand dollars. Such bonds shall bear interest at the rate of not to exceed four per centum per annum, and shall become due and payable at such time and place, and shall be of such denominations as the common council may direct, unless otherwise provided by law. If the amount of bonds issued under this subdivision, together with the then existing indebtedness of the city shall exceed ten per centum of the then assessed valuation of the real estate of the city of Lockport as shown by the last assessment roll, then the bonds issued hereunder, in excess, of such ten per centum, shall be made payable in not to exceed twenty years; and the common council shall provide for their redemption by raising annually a sum which shall produce an amount equal to the sum of the principal and interest on such bonds at their maturity. Such bonds shall be sold to the highest bidder, after the same shall have been advertised for not less than thirty days by the city treasurer; but in no event shall the bonds be sold at less than par. The moneys received from the sale of such bonds shall be placed

Contracts.**Bonds,
issue of.****Interest,
rate, and
when
payable.****Provision
for re-
demption.****Sale of
bonds.****Application
of
proceeds.**

by the city treasurer to the credit of the water supply fund, and shall be used for no purpose other than the discharge of the indebtedness incurred under the provisions of this section. All moneys required to pay the interest upon such bonds and the charges and expenses of maintaining and operating such water works, over and above the receipts therefrom, and to pay and discharge said bonds, as the same shall from time to time become due, shall be raised by general tax upon the real and personal estate within said city, as the same may from time to time be bounded, in addition to any sum authorized by section two hundred and thirty-one of this act, and in the manner provided by title fourteen of this act. Upon the construction and completion of such water works, the same shall be operated and controlled by the board of water commissioners of said city; or

Tax.

Fourth. In the place and stead of constructing, maintaining and operating a water works system, as in the third subdivision of this section provided, enter into a contract with any person or corporation, for a term not exceeding thirty years, for the furnishing of an adequate supply of pure and wholesome water sufficient for all municipal and domestic purposes, to be taken from any source in Niagara, Erie or Genesee counties or any body of water adjacent thereto, to be delivered either into a reservoir in or near the city of Lockport, or directly into the water mains of the city water works system, and from time to time may extend or renew such contract. If, under this subdivision, a contract be made for the furnishing of a supply of pure and wholesome water to be delivered into a reservoir in or near the city of Lockport, then the common council shall have power to erect, construct and maintain a pumping plant, or plant and reservoir, with such necessary connections with the present water works system of said city, as may be needed for the purpose of distributing water throughout the city. If the city of Lockport shall construct a water works distributing plant or plant and reservoir, under the provisions of this subdivision, said common council is hereby authorized to issue bonds in the name and upon the credit of the city of Lockport, which shall be executed by the mayor, under the corporate seal of the city, and countersigned by the city clerk in an amount not exceeding the cost of such plant or

Contract to furnish water, etc.

Common council to have power to erect pumping plant, etc.

Bonds, issue of.

Interest. plant and reservoir, and not exceeding three hundred thousand dollars. Said bonds shall bear interest and shall become due and payable, and shall be sold and the proceeds thereof disposed of in the manner provided by subdivision three of this section.

Contracts, how invited and let. A contract for the construction of such distributing plant, or plant and reservoir, shall not be made under this subdivision of this section, without first advertising for at least sixty days for proposals, to enter into contract for the work or materials required and all such contracts shall be let to the lowest bidder, who shall furnish such security for faithful performance as shall be approved by the council, and the council may reject such bids, in its discretion, and readvertise for proposals. All moneys required to pay the amount due upon such contract for the furnishing of such water in each year, and the expenses of maintaining and operating such distributing plant, or plant and reservoir, and to pay the interest and principal of said bonds, over and above the income of the water works department, shall be raised by general tax upon the real and personal property within said city, as the same may from time to time be bounded, in addition to any sum authorized by section two hundred thirty-one of this act, and in the manner provided by title fourteen of this act; or

Tax.

Authority to lease existing water works system.

Fifth. In place and stead of the exercise of the powers granted to it in the third subdivision of this section, and, in addition to the exercise of the powers granted to it in the fourth subdivision of this section, lease for a period not exceeding thirty years and extend or renew the same from time to time, the existing water works system of the city of Lockport, with provisions in said lease for extensions and renewals of said existing water works system, to any person or corporation that will contract as in said fourth subdivision prescribed to furnish a supply of pure and wholesome water, sufficient in quantity for both domestic and municipal, including fire purposes, to be taken from a source of supply in Niagara, Erie or Genesee counties, or any body of water adjacent thereto, to be approved by the common council, and to distribute, furnish and sell the same to the city and its citizens at a fair and just compensation; subject, however, to the approval of the electors of said city as provided in subdivision second of this section. Any

Provisions in lease.

contract made under this subdivision must require the lessee to maintain the present water works system in good repair and to surrender the same at the expiration of the lease in as good condition as the same was at its commencement, ordinary depreciation by use, excepted, and to furnish such reasonable security therefor as the common council may require.

Contract.

Sixth. The city of Lockport shall have the right at the expiration of any contract or lease entered into under subdivisions four or five of this section to acquire by purchase or condemnation, all property and rights of any party contracting with the city to furnish water, under subdivisions four or five of this section, and which are used by such party exclusively therefor, provided notice in writing of its intention so to do shall have been given by said city at least two years before the expiration of such contract or lease. If the city of Lockport shall acquire the property and rights of any party or corporation, contracting with the city to furnish water under subdivisions four or five of this section, said common council is hereby authorized to issue bonds in the name and upon the credit of the city of Lockport, which shall be executed by the mayor, under the corporate seal of the city, and countersigned by the city clerk, in an amount not exceeding the purchase price of such property and rights. Such bonds shall bear interest and shall become due and payable, and shall be sold and the proceeds thereof disposed of, and moneys necessary to pay all interest upon the same, and the charges and expenses of maintaining and operating such water works, and to pay and discharge said bonds, over and above the receipts therefrom, shall be raised by general tax in the same manner as provided by subdivision three of this section.

City may acquire property and rights, etc., at expiration of contract or lease.

Proviso.

Bonds, issue of.

Interest.

Sale.

Tax.

§ 2. Section one hundred fifty-five of said act is hereby repealed.

Section repealed.

§ 3. This act shall take effect immediately.