

Canandaigua Lake UDML Begins: Chapter 37, Article 4, Part 1, Sec. 46-a. (4)



Effective: August 16, 2006

McKinney's Consolidated **Laws** of New York Annotated [Currentness](#)

Navigation Law([Refs & Annos](#))

Chapter 37. Of the Consolidated **Laws**([Refs & Annos](#))

[Article 4. Vessels](#) ([Refs & Annos](#))

[Part 1. Vessels, General](#)

→ [§ 46- a. Regulations of vessels](#)

(1) The local legislative body of a city or the board of trustees of a village may adopt, amend and enforce local **laws**, rules and regulations not inconsistent with the **laws** of this state or the United States, with respect to:

a. Regulating the speed and regulating and restricting the operation of vessels while being operated or driven upon any waters within or bounding the appropriate city or village, including any waters within or bordering a village in the county of Nassau or Suffolk, to a distance of fifteen hundred feet from the shore.

b. Restricting and regulating the anchoring or mooring of vessels in any waters within or bounding the appropriate city or village to a distance of fifteen hundred feet from the shore.

c. Restricting and regulating the anchoring or mooring of vessels in such waters when used or occupied as living or sleeping quarters and; providing time limits on duration of the stay of such vessels in such waters and requiring inspection and registration of such vessels when so used.

d. Restricting and regulating garbage removal from said vessels.

e. Designating public anchorage area or areas and regulating the use thereof.

(2) The local legislative body of the village of Sodus Point and the town of Huron in the county of Wayne, the villages of Croton-on-Hudson and Mamaroneck and the town of Cortlandt in the county of Westchester, the town of Stony Point in the county of Rockland, the town of Grand Island in the county of Erie, the towns of Conesus, Geneseo, Groveland and Livonia in the county of Livingston, the towns of Irondequoit, Webster, and Penfield in the county of Monroe, the village of Greenwood Lake and the town of Warwick in the county of Orange, the town of Carlton in the county of Orleans, the village of Sackets Harbor in the county of Jefferson, and the villages of Union Springs, Aurora and Cayuga and the towns of Genoa and Ledyard in the county of Cayuga, the city of Kingston and the village of Saugerties in the county of Ulster and the town of Porter in the county of Niagara may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of this state or the United States, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bounding the respective municipality to a distance of fifteen hundred feet from the shoreline.

[(3) *Repealed.*]

(4) a. The local legislative body of the city of Canandaigua and the towns of Canandaigua, Gorham, South Bristol, Canadice and Richmond in the county of Ontario and the towns of Middlesex and Italy in the county of Yates may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of the United States, with respect to the restriction and regulation of the manner of construction and location of boat-houses, moorings and docks in any waters within or bounding the aforementioned cities and towns to a distance of 1500 feet from the shoreline.

b. No such local law, rule or regulation shall take effect in the town of Canandaigua, Gorham, South Bristol, Middlesex or Italy or in the city of Canandaigua with regard to Canandaigua Lake, or in the town of Canadice or Richmond with regard to Honeoye Lake until all respective lakeshore municipalities unanimously agree by resolution to a set of uniform standards that include at a minimum the length and density of docks, the number of boats or boat slips allowed per lineal foot of lakeshore for various land uses, the number of moorings and boat-houses allowed for various land uses, and the allowable dimensions and locations for docks, and provided further that no such local law shall take effect until it shall have been submitted to and approved in writing by the commissioner of parks, recreation and historic preservation and provided further that no future amendments to the uniform standards shall take effect until all respective lakeshore municipalities unanimously agree by resolution to the revised set of uniform standards and such revised standards have similarly been submitted to and approved in writing by the commissioner.

(5) The local legislative body of any city, town or village which is a participating community as defined in [subdivision ten of section 44-0103 of the environmental conservation law](#) may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of this state or the United States or with the Hudson river valley greenway compact, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bounding the respective municipality to a distance of fifteen hundred feet from the shoreline. Nothing in this subdivision or in article forty-four of the environmental conservation law or in the Hudson river valley greenway compact produced pursuant to such article, shall be deemed to affect, impair or supersede the provisions of any charter, local law, rule or other local requirements and procedures heretofore or hereafter adopted by such participating community, including, but not limited to, any such provisions relating to the zoning and use of land or any waters within or bounding such participating community to a distance of fifteen hundred feet from the shoreline.

The provisions of this section shall be controlling notwithstanding any contrary provisions of law.

(6) a. The local legislative bodies of the towns of Barrington, Jerusalem, Milo, Pulteney, Urbana and Wayne and the villages of Hammondsport and Penn Yan in the counties of Steuben and Yates may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of the United States, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bounding the aforementioned towns and villages to a distance of fifteen hundred feet from the shoreline.

b. No such local law, rule or regulation shall take effect in the towns of Barrington, Jerusalem, Milo, Pulteney, Urbana or Wayne and the villages of Hammondsport and Penn Yan with regard to Keuka Lake, until all respective lakeshore municipalities unanimously agree by resolution to a set of uniform standards that include at a minimum the length and density of docks, the number of boats or boat slips allowed per lineal foot of lakeshore for various land uses, the number of moorings and boathouses allowed for various land uses, and the allowable dimensions and locations for docks, and provided further that no such local law shall take effect until it shall have

been submitted to and approved in writing by the commissioner and provided further that no future amendments to the uniform standards shall take effect until all respective lakeshore municipalities unanimously agree by resolution to the revised set of uniform standards and such revised standards have similarly been submitted to and approved in writing by the commissioner.

CREDIT(S)

(Added L.1972, c. 888, § 2; amended L.1982, c. 357, § 1; L.1985, c. 171, § 3; L.1985, c. 713, § 1; L.1986, c. 818, § 1; L.1988, c. 336, § 1; L.1988, c. 423, § 1; L.1989, c. 98, § 1; L.1989, c. 127, § 1; L.1989, c. 152, § 1; L.1989, c. 187, § 1; L.1989, c. 501, § 1; L.1989, c. 528, § 1; L.1990, c. 313, § 1; L.1990, c. 432, § 1; L.1991, c. 40, § 1; L.1991, c. 131, § 1; L.1991, c. 553, § 1; L.1991, c. 748, § 13; L.1992, c. 214, § 1; L.1992, c. 373, § 1; L.1992, c. 680, § 1; L.1993, c. 278, § 1; L.1993, c. 605, § 2; L.1995, c. 225, § 10; L.1996, c. 333, § 1; L.2005, c. 292, § 1, eff. July 26, 2005; L.2006, c. 622, § 1, eff. Aug. 16, 2006.)


CROSS REFERENCES

Floating objects other than aids to **navigation**, see **Navigation Law § 35-a**.

LIBRARY REFERENCES

2004 Main Volume

Collision  8.

Shipping  3.

Westlaw Topic Nos. 354, 82.

C.J.S. **Collision** § 26.

C.J.S. **Shipping** §§ 2 to 3, 9 to 10, 13.

RESEARCH REFERENCES

2008 Electronic Update

Encyclopedias

NY Jur. 2d, **Boats, Ships, & Shipping** § 21, Local Regulation.

NY Jur. 2d, **Boats, Ships, & Shipping** § 84, Manner and Place of Anchorage and Mooring.

Treatises and Practice Aids

New York Zoning **Law** and Practice, Fourth Edition § 11:40, Water.

Rathkopf's the **Law** of Zoning and Planning § 48:16, Wharves, Wetlands, and Waters.

NOTES OF DECISIONS

Authority to regulate 1

Zoning 2

1. Authority to regulate

Under **Navigation Law**, a village in Nassau or Suffolk County has authority to regulate “anchoring or mooring of vessels” within 1,500 feet from its shore. [Malloy v. Incorporated Village of Sag Harbor \(2 Dept. 2004\) 12 A.D.3d 107, 784 N.Y.S.2d 141. Navigable Waters ↪ 2](#)

Town lacked authority to regulate construction or use of floating dock system located on **navigable** waters of state. [Town of Alexandria v. MacKnight \(4 Dept. 2001\) 281 A.D.2d 945, 723 N.Y.S.2d 591. Navigable Waters ↪ 2](#)

Territorial limits of incorporated village of Huntington Bay extend only to the water lines of Huntington Harbor so that village had no authority to regulate construction of dock which extended into Huntington Bay, but town of Huntington had jurisdiction over construction of dock, piers and wharves within its boundaries, even though upland of bay bottom in issue was within territorial limits of the village. [People v. Anton, 1980, 105 Misc.2d 124, 431 N.Y.S.2d 807. Municipal Corporations ↪ 719\(1\)](#)

A town may regulate water activities enumerated in the Town Law and the Navigation Law, regarding the speed, operation, anchoring and mooring of vessels, the size and horsepower of motors, the removal of garbage from vessels, and the designation and regulation of public anchorage areas, in waters within an incorporated village but more than 1500 feet from a village's shore, and a village may consent to town regulation of these activities in waters closer than 1500 feet, but regulation of other water activities by a town in Suffolk County pursuant to general police powers is not effective in waters within the geographic boundaries of a village. [Op.Atty.Gen. \(Inf.\) 2004-5.](#)

Town may not enact a local law to regulate the size and horsepower of motor boats permitted upon Chenango Lake, but it may regulate the speed of vessels and regulate and restrict the operation of vessels upon any waters within or bounding the town. [Op.Atty.Gen. \(Inf.\) 97-29.](#)

A county, city, or village may not limit the size or horsepower of motor boats operated on lakes bordering or within its boundaries. [Op.Atty.Gen. \(Inf.\) 97-29.](#)

There is no authority for regulation by a village of pier and dock construction in **navigable** waters bounding the village. [Op.Atty.Gen. \(Inf.\) 84-53.](#)

A village may regulate swimming and, where not inconsistent with applicable Federal or State **law**, the operation, anchoring and mooring of vessels in **navigable** waters bounding the village to a distance of fifteen hundred feet from shore, but may not regulate fishing, shellfishing or the construction of piers and docks in such area. [Op.Atty.Gen. \(Inf.\) 83-56.](#)

2. Zoning

No evidence indicated that town acted in bad faith when it amended its zoning ordinance to extend shoreline development district into bay, even though ordinance was adopted while marina operator's appeal of denial of its proposal to expand dock space and add boat slips was pending; operator had not been singled out or treated unfairly in any way and it had been granted other conditional use permits for the construction of additional boat slips. [S.D. Office Equipment Co., Inc. v. Philbrick \(4 Dept. 1998\) 247 A.D.2d 838, 668 N.Y.S.2d 426. Zoning And Planning ↪ 376](#)

Town's amended zoning ordinance changing designation of shoreline development district and extending district into bay applied to marina operator's proposal to add dock space and boat slips, where ordinance was adopted and became effective while operator's appeal was pending. [S.D. Office Equipment Co., Inc. v. Philbrick \(4 Dept. 1998\) 247 A.D.2d 838, 668 N.Y.S.2d 426. Zoning And Planning ↪ 376](#)

Town had authority under its zoning ordinance to regulate marina operator's construction of docks and boat slips along shoreline of bay. [S.D. Office Equipment Co., Inc. v. Philbrick \(4 Dept. 1998\) 247 A.D.2d 838, 668 N.Y.S.2d 426. Zoning And Planning ↪ 278.1](#)

Zoning ordinance insofar as it placed lands under Hudson River in restricted district could not be sustained as ordinance adopted pursuant to power vested in village by this **section** to regulate use of vessels in waters within or bounding village. [Piesco v. di Francesca, 1972, 72 Misc.2d 128, 338 N.Y.S.2d 286. Zoning And Planning ↪ 61](#)

McKinney's **Navigation Law § 46- a**, NY NAVIG § 46- a
Current through L.2008, chapters 1 to 391.

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