

# KEUKA LAKE UNIFORM DOCKING AND MOORING LAW

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# KEUKA LAKE UNIFORM DOCKING AND MOORING LAW

## Section 1. Title

This local law shall be known and shall be cited as the "Keuka Lake Uniform Docking and Mooring Law."

## Section 2. Purpose

The purpose of this local law is to regulate lakeshore docks, moorings and other waterside structures in or on the waters of Keuka Lake. The regulations were developed in order to protect public safety, support robust lake environmental conditions, provide reasonable public visual and physical access to the lake, insure safe recreational use, and establish fair, consistent and uniform standards.

## Section 3. Authority

Section 46-a of the New York State Navigation Law has been amended by adding subdivision (6), giving the Villages and the Towns surrounding Keuka Lake the authority to 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, including related accessorial uses, within the waters of Keuka Lake proper, excepting its tributaries and Keuka Lake Outlet, from the mean high water level to a distance of 1,500 feet from the shoreline.

For the purposes of this law, Keuka Lake Outlet and Keuka Lake are deemed to be separated by a straight line connecting points situated by the following coordinates pursuant to the 1983 New York State Plain Central plotting system:

- A. Ice House point (southeast point of mouth of Keuka Lake Outlet) -  
North 966, 392 +/- East 690,745 +/-;
- B. Indian Pines Park (southwest point of mouth of Keuka Lake Outlet) -  
North 966, 509 +/- East 690,588 +/-.

The entirety of Keuka Lake Outlet, Keuka Lake Outlet Canal, and Wagner Pond, all of which are located to the north of the above established line of separation, are specifically excluded from the application of this law.

The provisions of this law do not apply to Municipal or New York State owned lakeshore parcels.

## Section 4. Definitions

For the purposes of this law the following definitions shall apply:

**Berth** - See Boat Slip hereinafter set forth.

**Boat** - Any vessel, requiring State or Federal registration for use on public waters (including sea-planes).

**Boathouse** - A permanent enclosed structure that provides direct water or rail access to Keuka Lake for boats. A boathouse has a permanent roof and one or more enclosed sides.

**Boat Accessory Structure** - An enclosed storage structure, the purpose of which is the storage of boating related accessories.

**Boat Hoist** - Any mechanical device, the purpose of which is to raise or lift a boat out of the water for waterside storage.

**Boat Hoist Structure** - A seasonal, open-sided, waterside structure containing a boat hoist.

**Boat Station** - A permanent, open-sided structure, constructed in the water with a mechanical device, the purpose of which is to raise or lift a boat out of the water for waterside storage. A boat station is intended as a permanent boat hoist structure and may have a roof.

**Boat Slip** – The area of any structure, boat hoist structure, boat station, boat house, dock or pier, or any other facility, the purpose of which is the storage of one boat.

**Dock** - Any water dependent structure, or fixed platform built on floats, columns, open timber, metal, piles, or similar openwork supports, or cantilevered structures extending to the shore including piers and wharfs, whose purpose is providing riparian access and/or securing of watercraft. All such structures, as above described, which are placed waterside of the mean high water mark shall be defined as a dock.

**Height** - The vertical distance measured from the mean high water level to the highest portion of a structure.

**Ice Breaker** – A permanent structure, usually composed of one or more pilings, installed for the exclusive purpose of protecting mooring and docking facilities from ice damage.

**Lakeshore Owner** - The person or persons having a fee simple title to the Lakeshore Parcel.

**Lakeshore Parcel** - A parcel of land bordering on the shore of Keuka Lake.

**Lake Shoreline Footage** - The number of feet of lake frontage based upon the Town or Village Tax Maps.

**Marina** – A lakeshore business, open to the general public, whose purpose shall include sale of boats, supplies and fuel; rental of boats, marine equipment, dock and mooring space, and winter storage; service of boats and marine equipment; and provision for boat access to the lake.

**Mean Low and High Water Levels** - The approximate average low water level or high water level for Keuka Lake, determined by reference from survey data provided by the United States Geological Service (USGS). According to the New York State Department of Environmental Conservation, Division of Environmental Permits, the Mean High Water Level for Keuka Lake is 715.3. The Mean Low Water Level is 712.55.

**Mean High and Low Water Marks** - The locations where the mean low and high water levels intersect with the shoreline of the lakeshore parcel.

**Mooring** – A waterside structure where vessels can be stored including, but not limited to, dockage, boat slips, boat stations, boat houses, boat hoists, marine rail systems and buoys.

**Mooring and Berthing Facility** - A waterside area consisting of one or more structures, docks, mooring buoys or a combination thereof, used for the berthing or mooring of boats, yachts, or other floating craft, whether manually, mechanically, or sail powered.

**Mooring Buoy** - A floating object anchored to the bed of the lake, but not to the lakeshore, to which a boat could be attached for waterside storage.

**Other Land Uses Category** - All types of land uses on the lakeshore except those land uses specified in the Residential Land Use Category. This includes, but is not limited to, marinas, yacht clubs, camps, and restaurants.

**Permanent** - The type of construction for any dock, boathouse, boat station, or boat accessory structure that is fixed to the bed of the lake and not intended to be removed during the winter months.

**Pier or Wharf** - Any structure extending out into or over the water which is built upon fill.

**Personal Watercraft** - A vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and which is designed to be operated by a person sitting on, standing on or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

**Private Club** – Membership only nonresidential lakeshore facility, not associated with a unique multiple-residence upland property or properties, whose purpose is to provide social facilities for members and guests. It may include docking and mooring facilities for member and club owned boats.

**Residential Land Use Category** - All land uses on the lakeshore parcel that are normally classified as a place of dwelling including, but not limited to, single- family, multi- family, boarding houses, apartments, bed and breakfasts, townhouses and condominium units, time-shares, home owner associations and multi-residence upland lakeshore parcels.

**Seasonal** - The type of construction for any dock or boat hoist structure that is intended to be removed during the winter months.

**Swim Floats**—Seasonal platforms, fastened to the lake bottom, whose purpose is to provide deeper water access for swimming and diving.

**Tie Line** – The straight line extending between the two shoreline boundaries of a lakeshore property at the mean high water mark.

**Vessel** – A floating means of conveyance.

**Water Rights Lines** - Water rights lines are imaginary lines that extend into the lake in order to establish the riparian rights of adjoining lakeside properties. Water rights lines determine the boundaries for the placement of berthing and mooring facilities, as well as all other facilities subject to this law. The method for establishing water rights lines is found in Sec. 5.C.

**Waterside** - The lakeside of the mean high water mark.

**Waterside Structure** – Any waterside man-made structure, for use in enabling water dependent activities, whose profile is visible above the surface of the water and is affixed in some way to the shore or the lake bottom to hold its position.

**Yacht Club** – Membership only lakeshore facility, not associated with a unique upland property or properties, whose purpose is to promote, educate and regulate yachting and boating, as well as provide social facilities for members. The club facility may include docking and mooring facilities for member and club owned pleasure boats, limited marine supplies for member use, and clubhouse facilities for the use of members and guests.

## **Section 5. General Regulations for the Placement and Configuration of All Mooring and Berthing Facilities**

- A. Placement of mooring and berthing facilities adjacent to a lakeshore parcel shall be determined by the category into which this parcel falls as defined in this local law.
- B. The provisions of this local law apply to the lakeshore owner based upon the number of lake shoreline footage for each lakeshore parcel.
- C. Berthing and mooring facilities shall be placed within the water rights line of the parcel so as not to interfere with the waterside usage of adjacent parcels. Water rights lines are determined using the following method (See Figure 1):
  - 1. Determine the four points where the mean high water mark intersects the property lines of the parcel and the two adjoining lakeshore parcels.
  - 2. Connect the points of intersection with straight lines. These lines are called mean high water tie lines.
  - 3. Where two mean high water tie lines meet, measure the angle on the waterside.
  - 4. Bisect (or divide by two) that waterside angle measurement. The bisecting line, projected out over the waterside, is the water rights line.

It is the owner's responsibility to determine water rights lines. Where the water rights lines for a lakeshore property are less than 200 feet long at the point of intersection, the methods described in C. (1-4) must, if possible, be modified in order that each parcel's water rights lines are at least 200 feet long at their point of intersection (if any).

- D. No permanent waterside structure, except ice-breakers, shall be located closer than 10 feet in the Residential Land Use Category and 20 feet in the Other Land Uses Category, to any water rights line of a parcel. Ice breakers shall be placed in such a manner that they will be contained within the water rights line of the parcel. Any seasonal waterside structure or vessel moored to it shall be contained within the water rights line of the parcel
- E. Mooring Buoys shall be placed in such a manner that each moored vessel shall avoid contact with any other moored vessel or structure. At no time may a moored vessel, or part thereof, extend outside the limits of any water rights line of a parcel.
- F. One boat hoist structure is permitted for each boat slip or registered boat mooring permitted under the regulations contained in the Residential Land Use Category. A roof is permitted, but it must not have a pitch greater than a 3/12. The sides shall not be enclosed in any manner. Construction of a second floor level inside the boat hoist, or of a second floor sundeck, is not permitted.
- G. A boat station shall not exceed a height of fifteen (15) feet above the mean high water level and the sides shall not be enclosed in any manner. Construction of a second floor level inside the boat station, or of a second floor sundeck, is not permitted. A roof is permitted but it must not have a pitch greater than a 3/12. No boat station may be used as a dwelling, sleeping, lodging or boarding place. Within the Residential Land Use Category, any boat station is limited to a maximum of two boat mooring spaces.
- H. Only docks, boat hoist structures, boat stations, swim floats, and other specified mooring and berthing facilities are permitted on the waterside of the mean high water mark. Boathouses, boat accessory structures, or any other types of structures not specifically permitted in this document, are not permitted on the water side of the mean high water mark.
- I. Compliance with the State Environmental Quality Review Act shall be required for any Site Plan Approval granted under the regulations contained in this local law.
- J. All construction activities are subject to State and Federal review by the following agencies as applicable and as required by law: the New York State Department of Environmental Conservation; the New York State Office of Parks, Recreation and Historic Preservation; the New York State Office of General Services; and the United States Army Corps of Engineers. Article 6, Section 75 of the Public Lands Law establishes the terms and conditions for the conveyance of the State's interest on State-owned underwater land. It is the responsibility of the lakeshore owner to obtain any and all State and Federal permits as may be required.
  - 1. All construction is subject to State and Federal laws, including the New York State Navigation Law. Section 32-c of said law makes it a misdemeanor to build any structure that interferes with the free and safe navigation of the navigable waters of this State.

2. The Villages and Towns may require that an application shall be submitted for review to the New York State Office of Parks, Recreation and Historic Preservation or other applicable State Agency if the requested docking or mooring facility presents navigation issues.

- K. All Site Plan Approvals required by this local law and all Variance Applications shall be subject to the provisions of the respective Town and Village Laws.
- L. As Municipal and New York State owned lakeshore parcels are not regulated by this law, the Lakeshore Municipalities and New York State are free to regulate docks and moorings on their own lakefront according to their needs. Municipally-owned piers and wharfs providing public access are permitted and the Municipal Owner may provide regulations for their use.
- M. The Lake Shoreline Footage determines the permitted number of docks and the number of moorings for boats. This includes boats attached to docks, boat hoists or stations, mooring buoys or boathouses. The number of docks and moorings permitted is specified in Section 6. of this local law.

### **Section 6. Specific Regulations for the Placement and Configuration of Mooring and Berthing Facilities for the Land Use Categories**

- A. The Lake Shoreline Footage determines the permitted number of docks and lakeside moorings for boats requiring State or Federal registration and is subject to the setback requirements and water rights line limitations in Section 5.D. of this local law.

#### 1. Residential Land Uses:

Facilities per parcel:

0 feet to 99.99 feet: (4) moorings for boats, (1) dock

100 feet to 199.99 feet: (6) moorings for boats, (2) docks

a. For those lakeshore parcels that exceed 199.99 feet: three (3) additional moorings for boats are permitted for each one hundred (100) feet of lakeshore and one (1) additional dock is permitted for each additional one hundred (100) feet of lakeshore.

b. Residential dock construction shall not exceed the following maximum dimensional criteria: Each permitted dock shall not exceed a total of seven hundred twenty (720) square feet, including walkways. (See Figure 2.)

For the purposes of this section, width is measured parallel to the mean high water mark; length is measured perpendicular to the mean high water mark. The open water space of boat hoist structures, or boat stations, is not included in the calculation of dock area. If none of the permitted docks on a parcel exceed 300 square feet, one additional dock, in addition to those specified in Section 6.A.1., which is less than 300 square feet, shall be permitted.

- (i) No part of the dock, or associated structures and equipment, shall extend beyond a line which is sixty-five (65) feet from the mean high water mark.
  - (ii) If a water depth of at least three (3) feet is not attained at a point extending directly out into the lake a distance of sixty-five (65) feet from the mean high water mark when the lake level is 712.55 feet above sea level, the dock may be extended to a point where this depth is achieved, providing this length does not violate the New York State Navigation Law.
  - (iii) The use of fingers, such as "T," or "L" shaped appendages, is permitted in any configuration from the main walkway of the dock to form boat slip spaces.
- c. In categories where two or more docks are permitted, the docks shall be separated by at least ten (10) feet.
- d. In categories where two or more docks are permitted, the consolidation of two docks into one dock is permitted. The total square footage of the consolidated dock shall not exceed 1,200 square feet. The consolidated dock shall conform to all other provisions of this local law. When applying for dock consolidation under this provision, the lakeshore owner relinquishes all rights and claims to erect a second dock.
  - (i) The lakeshore owner shall give proper notice to the Town or Village Clerk that any claim to erect an additional dock is waived.
- e. Seasonal docks do not have setback requirements but must fit within water rights lines, together with any boats moored to them. Seasonal docks do not require permits but are included in the number of allowable docks and moorings for boats. Pre-existing Seasonal docks are not further regulated in this law. Swim floats are not to be included in counting the number of docks permitted but they must fit within the water rights lines.
- f. Limitations on the number of moorings for boats do not apply to boats moored on the upland side of the high water mark nor do they apply to short-term moorings for visitors.

## 2. Other Land Uses:

- a. Marinas and Yacht Clubs: The minimum lake shoreline footage required for a Marina or Yacht Club is 200 feet. From 200 feet to 249.99 feet, moorings for up to 75 boats are permitted.
  - (i) For those lakeshore parcels that exceed 249.99 feet, up to twenty additional moorings are permitted for each additional fifty (50) feet of lakefront.
  - (ii) The mooring and berthing facilities shall require Site Plan Approval by the Planning Board in accordance with the provisions contained in Section 7. of this local law.
- b. Restaurants: The minimum number of feet of Lake Shoreline Footage required for docks and moorings for a restaurant is 100 feet. From 100 feet to 149.99 feet, up to twenty (20)



moorings are permitted; from 150 feet to 199.99 feet, up to thirty (30) moorings are permitted.

- (i) For those lakeshore parcels that exceed 199.99 feet, up to ten (10) additional moorings are permitted for each additional fifty (50) feet of lakeshore.
- (ii) The mooring and berthing facilities shall require Site Plan Approval by the Planning Board in accordance with the provisions contained in Section 7. of this local law.
- (iii) The permitted number of boat slips allowed for this land use activity is intended for use by the customers of the establishment on a short-term basis for dining and entertainment purposes.

c. Hotels, Motels, Camps, Resorts and Private Clubs: The minimum number of feet of lake shoreline footage required for docks and moorings is 100 feet. From 100 to 149.99 feet, up to ten (10) moorings are permitted; from 150.00 feet to 199.99 feet, up to fifteen (15) moorings are permitted.

- (i) For those lakeshore parcels that exceed 199.99 feet, up to five (5) additional moorings are permitted for each additional fifty (50) feet of lakeshore.
- (ii) The mooring and berthing facilities shall require Site Plan Approval by the Planning Board in accordance to Section 7. of this local law.

B. Limitations in this Section shall be determined by the current lake shoreline footage of the lakeshore parcel, regardless of how property interests in the lakeshore parcel may be divided among the owner(s), lessee(s), occupant(s), easement holder(s), or any other person(s) or entity(ies) with a legal or beneficial interest in any existing or proposed berthing and mooring facility.

## **Section 7. Permit Requirements and Application Procedures**

- A. In accordance with the provisions of Section 274-a. of Town Law and Section 7-725-a.(1) of the Village Law, the Towns and Villages shall have the total responsibility for conducting all reviews required by this local law.
- B. The Villages and Towns may require the owner to provide appropriate documentation for the Application, including surveys when necessary to determine water rights lines.
- C. Site Plan Approval shall be required for "Other Land Use Categories" by the local Planning Board and Building Permits are required in accordance with the provisions of this Section. Only the lakeshore owner or his authorized agent(s) may submit Applications.
- D. Building Permits are required for the placement or construction of permanent docks and berthing facilities within the Residential Land Use Category. A lakeshore owner shall apply to the Code Enforcement Officer for review of the proposed berthing and mooring facilities in compliance with the provisions of this local law and must obtain his written approval prior to the start of construction.

E. The Application form for all land use categories shall include:

Certification that all owners, lessees, occupants, easement holders, and any other persons or entities with a legal or beneficial interest in any existing or proposed mooring and berthing facility related to this property have been notified of this Application. The limitations of this Uniform Docking and Mooring Local Law are applicable to all parties who have a property interest in the parcel. The Applicant is advised that failure to notify any party possessing a property interest in the parcel may affect any relief granted as a result of this Application and Process.

F. Site Plan Approval by the local Planning Board and a Building Permit are required for the placement of all berthing and mooring facilities within the Other Land Uses Category. A development approved under the Other Land Uses Category that involves the Seasonal placement of docks, or other mooring and berthing facilities, does not need to be approved each season, provided that compliance with the original approval, and any conditions placed thereon are continued.

1. An Application for Site Plan Approval shall be submitted to the Code Enforcement Officer for review by the Planning Board and shall contain:

a. For special situations, Towns and Villages may require a Site Plan prepared by a New York State registered architect, landscape architect, engineer, or surveyor in accordance with the New York State Education Law.

b. A Site Plan shall be drawn to scale and shall contain a description of the existing and proposed berthing and mooring facilities, showing at a minimum: name, address, parcel boundaries, tax map number of the lakeshore parcel; the Lake Shoreline Footage; the water rights lines; the mean high water tie line; the depth of the lakeshore bottom; and the proposed setbacks.

2. The Site Plan Approval requirements of this local law may be integrated with the Site Plan Approval and submission requirements contained in the Zoning Law of the Village/Town and any Permit Applications required therein.

3. Mooring Buoys over 100 feet from the waterside of the mean high water mark require a New York State anchorage permit.

## **Section 8. Supplemental Review Criteria for Site Plan Approval**

A. The respective Town and Village Planning Boards shall use the following standards to determine the appropriateness of any and all proposed construction of mooring and berthing facilities for shoreline protection:

1. The construction of such facilities shall be undertaken in such a way so as not to impair the water quality, cause harm to fish or fish spawning grounds, cause problems of erosion

or sedimentation, create hazards for navigation, or otherwise threaten the public health or safety.

2. Such facilities shall be constructed only of materials which are stable and which will have no adverse effects on water quality.

3. The amount of any grading, filling, earth moving, and disturbance of land above the mean high water mark during the construction of such facilities shall be minimized.

4. When deemed appropriate, mooring and berthing facilities within the Other Land Uses Category shall provide adequate and approved pumping facilities for waste disposal therefrom.

### **Section 9. Nonconforming Mooring and Berthing Facilities, Structures, and Uses**

A. For the purpose of this local law, any lawful water-dependent permanent structure existing at the time of the effective date of this local law, or having already received Preliminary or Final Site Plan Approval by a municipality, which shall be made nonconforming by the passage of this local law, may be continued, except as otherwise provided by Article 6. Section 75 of the Public Lands Law.

B. Upon the effective date of this local law no existing nonconforming building, structure or use shall be enlarged, extended, reconstructed, substituted, or structurally altered, except as set forth below:

1. Any nonconforming building or structure damaged by natural disaster, fire or vandalism may be restored, reconstructed or used as before, provided that the dimensions of such use, building or structure shall not exceed the dimensions which existed prior to such damage, and that it be completed within eighteen (18) months of such happening.

2. A nonconforming mooring and berthing facility or other structure may be made to be in conformance. The replacement of temporary mooring and berthing facilities with permanent mooring and berthing facilities shall comply with the regulations of this local law.

3. When nonconformity is changed in accordance with the provisions hereof, the use of the building or structure shall not thereafter be changed again, except in accordance with the regulations of this local law.

4. Normal maintenance and repairs and incidental alteration of a building or structure containing a nonconformity are permitted, provided that such does not extend the area or volume of space occupied by the nonconformity. Piers or wharfs may require limited expansion for repair or reconstruction based upon NYSDEC standards.

5. Each Town or Village may require any lakeside structure which is determined to be unsound or unsafe, from a public safety standpoint, to be removed.

6. Manufactured Home Parks (containing homes on leased land), Restaurants, Marinas, Yacht Clubs and all other Lakeshore use categories included in Section 6.A.2. existing at the time of the Adoption of this uniform local legislation can maintain no more than the currently permitted number of Seasonal and Permanent docks and slips pursuant to their New York State License in effect at the time of the Adoption of this uniform local legislation or the number specified in Section 6.A.2., whichever is the greater number.

7. Dock placement for easement situations existing prior to Adoption of this local law, shall be allowed to continue in order to place Seasonal Docks in a manner consistent with the terms and history of the shoreline easement.

C. After the effective date of this local law, the burden of proof of conformance/non-conformance is the responsibility of the lakeshore property owner.

### **Section 10. Appeals and Variances**

A. Lakeshore owners aggrieved by the Decision of the Code Enforcement Officer may appeal the Decision to the Zoning Board of Appeals, pursuant to Section 267-a. of the Town Law or Section 7-712-a of the Village Law or other applicable requirements specified by New York State Statute or case law. The Zoning Board of Appeals may grant a Variance to the provisions of this local law. Dimensional criteria for the placement of berthing and mooring facilities may be varied in accordance with the applicable requirements of State Statutes.

B. Any Variance that is granted or denied by the Zoning Board of Appeals shall set forth in its Decision the Findings of Fact made in its granting or denying the requested Variance, or in the Zoning Board of Appeals Decision rendering its interpretation or determination of an appeal from an underlying administrative official's order, requirement, decision, interpretation or determination relative to the enforcement of this local legislation.

### **Section 11. Amendments**

Amendment procedures for this local law are contained in Section 46-a, subdivision (6) b. of the New York State Navigation Law. Amendments can only be made by unanimous adoption of a local law by the municipalities, after proper public hearing and environmental review. Such amendments shall become effective only upon submission to and approved in writing by the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation and upon their subsequent filing with the New York State Secretary of State.

Amendments must be initiated by a resolution made by five of the eight lakeshore Municipalities, thus creating the necessity that all eight lakeshore Municipalities must address the issues set forth in the resolution(s). Adoption of any amendments must be effected by all respective lakeshore Municipalities unanimously agreeing thereto by resolution.

## **Section 12. Repealer**

Any prior Ordinance, Regulation or Resolution of any Village or of any Town surrounding Keuka Lake in conflict herewith is hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Local Law, Ordinance, Regulation or Resolution hereby repealed, prior to the effective date of this Local Law.

## **Section 13. Separability**

Should any Section or Provision of this local law be determined by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole, or any part thereof, other than the part(s) so determined to be unconstitutional or invalid.

## **Section 14. Fees**

Each Town/Village Board may, by resolution, establish appropriate fees for the review and processing of the Permits under this local law.

## **Section 15. Violations and Penalties**

Violations of this local law shall be remedied according to the violation and penalty section of the Village/Town of Zoning Code and consistent with Section 268 of the Town Law and Section 20-2006 of the Village Law. In addition, State Laws may apply, including the New York State Navigation Law.

## **Section 16. Effective Date**

This Local Law shall be take effect in the Town/Village of \_\_\_\_\_ only after it has been adopted by the Town/Village of \_\_\_\_\_ and thereafter by all of the other respective lakeshore Municipalities as provided by law, and its having been thereafter submitted to and approved in writing by the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation, and then ten (10) days after its filing in the office of the New York State Secretary of State.

9-7-06