

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

~~Village~~

of GROVELAND

Local Law No. 1 of the year 1992

A local law TO BE KNOWN AS THE "1992 DOCK AND MOORINGS LAW"
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of GROVELAND as follows:

ARTICLE I: GENERAL

A. TITLE:

This chapter shall be known and cited as the "1992 Dock and Moorings Law of the Town of Groveland" and is enacted pursuant to New York State Municipal Home Rule Law, New York State Navigation Law Section 46-a, and New York State Town Law Article 16.

B. REPEAL:

Local Law No. 1 of the year 1990 of the Town of Groveland, known as the 1990 Dock and Mooring Law of the Town of Groveland is hereby repealed in its entirety and replaced by this Local Law.

C. APPLICABILITY:

No dock, mooring or boat house shall be constructed, erected installed, enlarged, structurally altered, or otherwise located unless in conformity with the provisions of this Local law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

D. SCOPE:

The provisions of this Local Law shall apply to and affect the part of the waters of Conesus Lake within or bounding the Town of Groveland to a distance of one thousand five hundred (1500) feet from the shoreline.

E. PURPOSE:

The purpose of this Local Law is to regulate keyhole development, prevent overcrowding, prevent disputes between neighbors, and promote boating safety and the public health, safety and general welfare regarding that portion of Conesus Lake bounding the Town of Groveland.

F. INTERPRETATION:

The provisions of this local law shall be interpreted and applied in their ordinary sense and meaning and shall be held to be the minimum requirements to carry out the purpose of this Local Law. This Local Law is not intended to interfere with, abrogate, or annul other rules, regulations, or ordinances, provided that where this Local Law imposes greater restrictions than other ordinances, rules, or regulations, the provisions of this Local Law shall prevail.

G. WORD USAGE AND DEFINITIONS:

1. Except where specified in the following definitions, all words used in this chapter shall carry their customary meaning. Words in the masculine gender shall include the feminine. Words used in the present tense include the future, the singular number shall include the plural, and the plural, the singular. The word "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used." The word "shall" is intended to be mandatory, and the word "may" is permissive. The word "abut" shall include the words "directly across from." The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or other legal entity, as well as an individual.

2. Boat house. A fixed covered structure constructed on the shore or projecting into the water within which vessels may be moored or stored.

3. Boatslip. A space between, within, or alongside one or more docks or boat houses in which vessels may lie or be moored.

4. Commercial Property. Any site that houses, moors, rents, launches, stores, or sells one or more vessels for a fee and which are not registered to the owner, lessee, or licensee of the property by which such vessels are accessed and/or which operation creates either water or land traffic.

5. Dock. Any structure, or fixed platform extending out from, but not necessarily connected to, a shoreline over or in the water which may be constructed on floats, columns, piles, open timber, or similar openwork supports to moor or house vessels or to be used for fishing, swimming, bathing, or similar activities. Includes a wharf which is a structure of wood, timber, concrete, or stone constructed on the shore or projecting out into the water for mooring, loading, or unloading vessels.

6. Hoist. Any mechanical device the purpose of which is to raise or lift a boat out of the water for storage.

7. Mooring. Free floating objects that are anchored to the bottom to which vessels may be moored.

8. Parcel. Adjacent or abutting parcels of land owned or controlled by the same person or other legal entity controlled by the same person shall be considered a single parcel.

9. Right of Way. An interest in real property or servitude imposed by law or contract giving one party the right of use or passage over another party's real property including such rights by deed, lease, or prescription.

10. Vessels Covered. All vessels, boats or watercraft equal to or greater than fourteen (14) feet in length except for canoes, rowing shells, wind surfers, kayaks, and other small watercraft which normally do not require mooring facilities.

ARTICLE II: DOCK/MOORING REGULATIONS

A. Dock, Mooring, and Boat House Spacing.

1. Docks, moorings and boat houses shall be located such that no part thereof, boatslip, hoist placed adjacent to such dock or boat house, or vessel docked or moored thereto, is less than five (5) feet from side lot lines extended into the lake on either side of the subject property perpendicular to the shoreline for private noncommercial property.

2. Docks, moorings and boat houses shall be located such that no part thereof, boatslip, hoist placed adjacent to such dock or boat house, or vessel docked or moored thereto, is no less than twenty (20) feet from the side lot lines extended into the lake on either side of the subject property perpendicular to the shoreline for commercial property.

3. Docks, moorings and boat houses shall be located such that together with any boatslips, hoists or vessels docked or moored or adjacent thereto, shall be centered as a unit between side lot lines on either side of an established right-of-way or parcel owned in fee of less than twenty (20) feet of shoreline and placed perpendicular to the shoreline as not to interfere with neighboring property owner's navigational rights including other right-of-ways. This provision does not grant any property or right-of-way owner any property rights in addition to such contained in the creating instrument or in common law.

4. There shall be no more than one (1) dock or boat house for each fifty (50) feet of shoreline concerning each private noncommercial property.

5. There shall be no more than two (2) docks or boat houses for each seventy-five (75) feet of shoreline concerning each commercial property.

6. No dock, mooring or boat house which extends into the water from the shoreline shall be greater in width than fifty (50) percent of the length of the shoreline of such property.

B. Dock, Moorings and Boat House Restrictions.

1. The construction or location of any dock, mooring or boat house to accommodate greater than a total of four boatslips, mooring berths, mooring buoys, or storage spaces per each non-commercial parcel shall require a special permit.

2. A special permit shall be required for each dock, mooring or boat house for commercial properties.

3. Mooring buoys shall be anchored so that the moored vessel is at all times within the side lot line spacing requirements for docks, moorings and boat house as provided in subparagraph A above, and so as not to interfere with neighboring property owners' navigational rights.

C. Special Permit Applications.

The Zoning Board of Appeals (ZBA) shall issue special permits in its discretion pursuant to these regulations upon proper application. The special permit, application procedures, and conditions shall be in accordance with regulations promulgated by the ZBA. A special permit once issued by the ZBA shall be effective for three seasons. A season shall be any part of the period from May 1 through September 30.

D. Nonconformance.

Generally no property or right-of way owner is entitled to nonconforming use protection concerning the location of docks or moorings because such are not permanent structures. This Local Law shall not apply to any permanent structure, no part of which is ordinarily removable, that was completed prior to 1991. No additions or alterations may be made to any such structure that is not in conformance with this Local Law.

E. Waivers and Special Permits.

The Town of Groveland ZBA is authorized to waive all or part of this Local Law or approve deviations therefrom after public hearing to relieve an applicant of hardship caused by strict application on a case by case basis. In determining the advisability of granting any waivers or approving any deviation and in granting special permits, the ZBA shall consider as a minimum:

1. Sufficient off-road parking space must be available on or adjacent to the applicant's property or right-of-way. One parking space must be provided for every two boats regarding private noncommercial property and one parking space for every vessel regarding commercial property.

2. The effect of any variance or deviation on pedestrian, vessel and vehicular traffic patterns and boating safety.

3. Considerations of public health, safety, and general welfare as required for a conditional use permit pursuant to the Town of Groveland Zoning Ordinance.

F. Subsequently Created Right of Way or Parcel.

A special permit is required to place a dock, mooring, or boat house on a right-of-way, or parcel owned in fee with twenty (20) feet or less of shoreline, created subsequent to the effective date of these regulations. All such right-of-ways or parcel must include at least twenty (20) feet of shoreline to receive a permit.

ARTICLE III: ENFORCEMENT AND PENALTIES

- A. Enforcement shall be by written complaint only and by the Town of Groveland Zoning Enforcement Officer (ZEO). If the parties to the dispute cannot agree to a line of sight delineating the parties' lot lines marked by at least two points on land, a survey must be provided to the ZEO. If a party challenges the accuracy of such survey, that party must procure at its expense a survey by a New York State licensed surveyor of the applicable lot lines, and said lot lines must be staked, within forty five (45) days of notice of said challenge.
- B. A violation of this Local Law is hereby declared to be an offense punishable by a civil penalty not to exceed Two hundred forty dollars (\$240.00) for each violation, imprisonment for a period not to exceed fifteen (15) days, or both. However, for purposes of Court jurisdiction only, a violation shall be deemed a misdemeanor. Each weeks continued violation shall constitute a separate additional violation.
- C. A legal or equitable action or proceeding in the name of the Town of Groveland may be commenced in any court of competent jurisdiction to compel compliance with or restrain violation of this Local Law or orders issued in compliance with this Local Law including without limitation court injunctions.
- D. If any portion of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1992 of the ~~(County)(City)~~(Town)(Village) of Groveland was duly passed by the Town Board on March 19, 1992, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

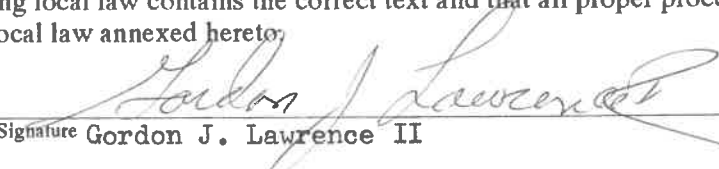
(Seal)

Date: March 23, 1992

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF LIVINGSTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature Gordon J. Lawrence II
Town Attorney

Title

~~County~~
~~City~~ of Groveland
~~Town~~
~~Village~~

Date: 3/23/92