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DOCKS AND MOORINGS

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[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 5-15-1986 by L.L. No. 2-1986. Amendments noted where applicable.]

**GENERAL
REFERENCES**

Zoning —See Ch. 190.

ARTICLE I
General Provisions
[Amended 9-9-1999 by L.L. No. 2-1999]

§ 86-1. Title

This chapter shall be known and may be cited as the "Docks and Moorings Law of the Village of Sodus Point."

§ 86-2. General intent.

The intent of this chapter is to establish comprehensive controls for the construction, installation and location of docks, piers, boathouses, structures and mooring buoys surrounding the corporate limits of the village in order to promote and protect health, safety, comfort, convenience and the general welfare of the people.

§ 86-3. Word usage.

Words used in the present tense include the future; the singular shall include the plural, the plural, the singular and the masculine, the feminine; and the word "shall" is mandatory and not permissive.

§ 86-4. Definitions.

When used in this chapter, unless otherwise expressly stated, or the context or the subject matter otherwise requires, the following terms shall have the meanings indicated:

BERTH- A waterside area adjoining any structure, dock or pier, the purpose for which is the wet storage of a boat, yacht or any floating craft.

BERTHING AND MOORING FACILITY - A waterside area consisting of one or more structures, docks, piers or 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.

BOARD OF APPEALS -~~The~~ Board of Appeals of the Village of Sodus Point constituted pursuant to § 7-712, Subdivision 1, of the Village Law of the State of New York.

BOATHOUSE -~~Any~~ building or similar superstructure used primarily for the storage and sheltering of watercraft, including such subordinate uses customarily incident to such primary use.

DEICER -~~Any~~ mechanism that impedes the formation of ice by the movement of air bubbles or chemical applications by which warmer, subsurface water is drawn up and deflected to the surface, creating a circulation of warmer water that prevents ice formation.

DOCK -~~Any~~ dock, wharf, structure or fixed platform extending out over the water built on floats, columns, open timber, piles or similar openwork supports.

PIER -~~Any~~ structure extending out over the water built upon fill, which shall include, but shall not be limited to, earth, clay, silt, sand, gravel, stone, rock, shale, concrete (whole or fragmentary), ashes, cinders, slag, metal, whether or not enclosed or contained, crib, crib work of wood, timber, logs, concrete or metal, bulkheads and cofferdams of timber sheeting, bracing or piling or steel sheet piling or steel H piling, separate or in combination.

PUBLIC ACCESS AREA — Streets or rights-of-way open to the public which allow access from land onto the waters of Sodus Bay. The following locations are deemed public access areas: Maiden Lane, Margaretta Road, South Shore between house No. 8275 and house No. 8285, South Ontario Street and Willow Park, north of the public parking lot on Greig Street.

STRUCTURE — Any pier, wharf, dolphin, dock, weir, boom, breakwater, bulkhead, revetment, reprays, jetty, permanent mooring structure, power transmission line, permanently moored floating vessels, pilings, aids to navigation or other obstacle or obstruction.

VILLAGE — The Village of Sodus Point.

ARTICLE II

Administration

[Amended 9-9-1999 by L.L. No. 2-1999]

§ 86-5. Office of Docks and Moorings Inspector.

There is hereby established the office of the Docks and Moorings Inspector, who shall be appointed annually by the Mayor subject to the approval of the Board of Trustees.

§ 86-6. Power and duties.

It shall be the duty of the Docks and Moorings Inspector to enforce the provisions of this chapter. He shall examine all applications for all permits and issue permits only for construction and uses therein in accordance with the requirements of this chapter and also other laws, rules and regulations of the village enforced at the time of application.

§ 86-7. Records and reports.

The Docks and Moorings Inspector shall maintain in the office of the Village Clerk records and files of all applications for permits with any accompanying plans and documents, which shall be matters of public record. He shall make such reports as the Village Board requires and shall report to the Village Board all problems that arise in the administration of this chapter.

§ 86-8. Inspection; fees.

- A. It shall be the duty of the Docks and Moorings Inspector to inspect, on at least an annual basis, every dock, pier and boathouse in any waters bounding the village within a distance of 1,500 feet from the shoreline for compliance with § 86-10 of this chapter and, in the case of use allowed by special permit, compliance with any conditions or requirements attached thereto.
- B. The permittee shall pay to the Docks and Moorings Inspector the sum of \$3 per boathouse and per 60 linear feet of dock or pier on an annual basis. Said sum shall be paid upon the issuance of a permit pursuant to Article VI, Article VII or Article VIII of this chapter and annually thereafter on the anniversary of such permit. Application fees shall be credited towards any inspection fee required, except in the case of a special permit issued to Article VII of this chapter. Failure to pay any fee required hereunder shall be grounds for revocation of any permit issued under this chapter.

§ 86-9. Stop orders.

Whenever the Docks and Moorings Inspector has reasonable grounds to believe that activity is being undertaken contrary to the provisions of this chapter or any permit issued thereunder, he may order the activity stopped by notice in writing to anyone engaged in such activity or causing such activity to be done, and such person shall forthwith stop such activity until notice is received in writing that such stop order has been withdrawn or canceled. Such order and notice may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the dock, pier, boathouse, structure or mooring buoy in use or under construction and sending a copy of the same by registered mail.

§ 86-10. Permits required.

Except as otherwise provided in this chapter, no dock, pier, boathouse, deicer, structure or mooring buoy shall be placed, located, constructed, maintained or used in any waters bounding the village within a distance of 1,500 feet from the shoreline without a permit issued in accordance with this chapter. Any such dock, pier, boathouse, deicer, structure or mooring buoy shall be unlawful until a permit is issued.

§ 86-11. Docks and deicers.

- A. The Docks and Moorings Inspector is authorized to issue a permit for any dock conforming to the requirements of this chapter that extends into the waters bounding the village for a distance of 60 feet or less from the shoreline and is no more than 60 linear feet in total length.
- B. The Board of Appeals is authorized to issue a special permit for any dock extending into the waters bounding the village for a distance wholly within 1,500 feet but greater than 60 feet from the shoreline, and for any pier or structure wholly within 1,500 feet from the shoreline, subject to the provisions of this chapter.
- C. The Docks and Moorings Inspector is authorized to issue a permit for a deicer conforming to the requirements of this chapter for use with a structure located greater than 300 feet from a public access area.

§ 86-12. Boathouses.

No boathouse or similar superstructure shall be permitted above the decks of docks, piers or structures in any waters bounding the village within a distance of 1,500 feet from the shoreline without a special permit from the Board of Appeals.

ARTICLE III**Moorings****§ 86-13. Mooring buoys.**

The Docks and Moorings Inspector is authorized to issue a permit for any mooring buoy conforming to the requirements of this chapter. Mooring buoys shall be placed only in connection with littoral parcels. Such buoys shall be placed only within an area parallel and 20 feet inward of parcel lines extended bayward as prescribed in § 86-23B and C of this chapter and to a depth necessary for the safe mooring of a boat not to exceed 100 feet from the shoreline. Mooring buoys shall be placed in staggered fashion where practicable to avoid being directly opposite a neighboring mooring buoy. There shall be no more than one mooring buoy for each littoral parcel. The Board of Appeals may by special permit allow more than one mooring buoy and at locations other than those herein allowed.

§ 86-14. Special anchorage area.

Mooring buoys within special anchorage areas designated as such pursuant to Chapter 33, Code of Federal Regulations § 110.86, are allowed without permit. Copies of permits for mooring buoys within any special anchorage area from any federal, state or county agency or official shall be filed with the Docks and Moorings Inspector.

ARTICLE IV
Off-Street Parking Regulations

§ 86-15. Berthing and mooring facilities.

Any berthing and mooring facility that is located within a distance of 1,500 feet from the shoreline leasing berths or moorings for the personal use of the lessee shall provide one off-street parking space for every three berths or moorings so leased.

§ 86-16. Commercial leases.

Every berthing and mooring facility that is located within a distance of 1,500 feet from the shoreline leasing berths or moorings for the commercial use of the lessee, including boat charters, shall provide one off-street parking space for every berth or mooring so leased.

§ 86-17. Size and location of parking.

- A. The off-street parking spaces required by §§ 86-15 and 86-16 shall be at least nine feet wide and 19 feet long, have direct and usable driveway access to a public street and shall be no further than 1,500 feet from the berthing or mooring facility. Whenever a fraction of a space is required, a full space shall be provided. The off-street parking requirements are in addition to any other parking requirements provided in the Chapter 190, Zoning, of the Village of Sodus Point. Parking areas shall be suitably landscaped to mitigate adverse visual impacts, shall be designed so as not to affect adversely the quantity and quality of stormwater runoff and shall be maintained in good condition.
- B. The Board of Appeals may by special permit authorize the location of required off-street parking at a site or sites greater than 1,500 feet from the berthing and mooring facility where adequate arrangements are made for transporting users of the facility from and to the specially permitted off-street parking site or sites.

§ 86-18. Municipal parking spaces.

The Board of Trustees may, from time to time, on a case-by-case basis, by resolution allow parking spaces located in village-owned parking lots or areas to be credited to berthing and mooring facilities for the purpose of complying with this article. Said parking spaces shall be located within 1,500 feet of the berthing and mooring facility to be served. In determining whether to grant such permission, the Board of Trustees shall consider the parking needs of the public and existing facilities, and the demonstrated inability of the berthing and mooring facility to meet the requirements of §§ 86-15 and 86-16 and the impracticability of securing compliance under § 86-17B. If such permission is granted, the Board of Trustees shall determine the conditions of such permission, including the number of spaces so credited and the duration of such permission, and shall require payment by the berthing and mooring facility affected of an annual charge per parking space credited. This charge shall be established and modified from time to time by resolution of the Board of Trustees. The charge shall reflect the cost of maintaining, repairing and reconstructing parking spaces so credited, and may reflect the cost of constructing new spaces displaced by those so credited.

ARTICLE V

Dock and Pier Specifications**[Amended 12-17-1987 by L.L. No. 9-1987; 9-9-1999 by L.L. No. 2-1999]****§ 86-19. Dock width.**

All docks and piers in any waters bounding the village within a distance of 1,500 feet from the shoreline shall have an unobstructed width of at least 21/2 feet, but not greater than eight feet. The Board of Appeals may by special permit authorize a dock or pier of a width greater than eight feet.

§ 86-20. Construction.

All docks, piers and boathouses in any waters bounding the village within a distance of 1,500 feet from the shoreline shall be constructed of sturdy, durable and stable materials capable of maintaining position and location, supporting pedestrian traffic and resisting lateral loads resulting from wind, wave and impact forces. Docks, piers and boathouses shall be constructed, where possible, to permit the free circulation of water, reduce the effects of fluctuating water levels and prevent adverse modification of the shoreline. Docks, piers and boathouses shall be at all times maintained in accordance with the provisions of this chapter and in a sturdy, durable and safe condition in conformity with generally accepted standards.

§ 86-21. Deck surfaces.

All docks and piers in any waters bounding the village within a distance of 1,500 feet from the shoreline shall provide a safe pedestrian surface at all times parallel to water surface, except for gangways onto such docks or piers from the shoreline or extensions thereof, which gangways shall be covered with a nonskid material.

§ 86-22. Location.

- A. All docks and piers in any waters bounding the village within a distance 1,500 feet from the shoreline shall be placed only in connection with littoral parcels and shall be located where practicable to allow a minimum clearance of 10 feet from adjacent parcel lines.
- B. In the case of littoral parcels bounding a substantially straight shoreline, docks and piers shall be located in the area fixed by projection of parcel lines bayward at right angles from the shoreline.
- C. In the case of littoral parcels bounding a concave or convex shoreline, docks and piers shall be located in the area fixed by projection of the parcel lines bayward along the line bisecting the angle formed by the shoreline at its intersection with the parcel lines. Where such projections do not allow access to the line of navigability, that line marking the minimum depth for navigation, the converging lines shall instead run to the line of navigability. The line of navigability shall be divided among the littoral parcels in proportion to their respective shares of the shoreline and permit all littoral parcels practicable access to navigable water.

§ 86-23. Dock and pier limitations and configurations.

- A. There shall be no more than one dock or pier for each residentially zoned littoral parcel with less than 75 feet of shoreline. One additional dock or pier is allowed for each additional 75 feet of water frontage. Docks and piers shall be straight or T-shaped and extend at right angles to the shoreline where practicable.
- B. There shall be no more than four docks or piers for every waterfront lot zoned business or industrial. A special permit may be granted by the Board of Appeals to permit a greater number of docks in the case of berthing and mooring facilities so located where sufficient shoreline and support are present to allow a greater number of docks or piers. A greater number of docks or piers may be allowed by special permit for commercial users such as restaurants where it can be demonstrated that additional piers are needed to accommodate the expected boat traffic to the use. The number and configuration of docks and piers shall be determined on a case-by-case basis considering the location, limiting natural features of the site, demonstrated need for such docks and compliance with Article IV of this chapter.
- C. Docks or piers adjacent to residentially zoned littoral parcels shall not be used for the leasing of berths. This section shall not apply to berths used by members of the permittee's family or visiting guests.

§ 86-23.1. Deicer limitations and configuration.

- A. Deicers shall not be permitted within 300 feet of a public access area.
- B. Deicers shall be installed in a manner so as not to create open water in excess of 20 feet from the structure serviced by the deicer.
- C. Every structure for which a deicer shall be permitted shall be posted in such a manner as to warn persons from the land and water side of the use and operation of such deicer.
 - (1) Daytime warnings shall consist of a sign of not less than four feet by four feet which displays lettering in blaze orange in letters not less than six inches in height, which states: "Caution: Open Water."
 - (2) Nighttime warnings shall consist of a flashing amber light of at least six inches in diameter, which can be seen from the water side a minimum distance of 500 feet. Such warning light must operate nightly between dusk and dawn.
 - (3) Such warning lights and signs must be in use and functioning between December 1 and April 1.

ARTICLE VI
Permit Applications

§ 86-24. Form and content of application. [Amended 3-19-1992 by L.L. No. 1-1992; 9-9-1999 by L.L. No. 2-1999]

- A. In any instance in which the Docks and Moorings Inspector is required to consider a permit under this chapter, other than for a deicer permit, an applicant shall submit an application

on a form prescribed by the Docks and Moorings Inspector. The application shall be submitted with a fee of \$5, accompanied by a plot plan drawn to scale, adequately dimensioned, showing the location of all existing docks, piers, boathouses, structures and mooring buoys within 100 feet of the proposed dock or mooring buoy. The plot plan shall also show the applicant's parcel lines and their bayward extensions drawn in accordance with § 86-22 of this chapter. The applicant shall provide such other information as the Docks and Moorings Inspector may require, including but not limited to filings with or permits from federal, state or county authorities, description of the manner of construction and installation, the materials to be used, evidence of ownership or possessor right, by easement, license, right-of-way or other, regarding the abutting shoreline and grants or leases pursuant to Article 6 of the Public Lands Law of the State of New York, regarding lands under water.

- B. In any instance in which the Docks and Moorings Inspector is required to consider a deicer permit under this chapter, an applicant shall submit an application on a form prescribed by the Docks and Moorings Inspector. The application shall be submitted without a fee, accompanied by a plan drawn to scale, adequately dimensioned, showing the location of the existing structure and the location of the deicer in its relation to said structure. The applicant shall provide such other information as the Docks and Moorings Inspector may require, including, but not limited to, the type of deicer to be utilized and the manufacturer's specifications for same.

§ 86-25. Issuance of permit. [Amended 3-9-1992 by L.L. No. 1-1992; 9-9-1999 by L.L. No. 2-1999]

- A. If the proposed dock or mooring buoy conforms to the requirements of this chapter and does not impair navigational safety or unreasonably restrict public or private access to navigable water, the Docks and Moorings Inspector shall issue a permit for a one-year period commencing upon approval by the Inspector and running through the last day of February of the following year.
- B. If the proposed deicer conforms with the requirements of this chapter and does not impair the safety of persons seeking ingress and egress onto Sodus Bay, the Docks and Moorings Inspector shall issue a permit for a one-year period commencing upon approval by the Inspector and running through the first day of April of the following year.

§ 86-26. Appeal.

Any person aggrieved by any action of the Docks and Moorings Inspector taken pursuant to the provisions of this chapter, including any officer, department, board or bureau of the village, may appeal to the Board of Appeals in the same manner as prescribed in § 7-712 of the Village Law of the State of New York and in accordance with the rules and regulations of the Board of Appeals. The Board of Appeals shall, upon appeal, hear and decide any question involving the interpretation of any provision of this chapter.

ARTICLE VII
Special Permit Procedures

§ 86-27. Application.

In any instance in which the Board of Appeals is required to consider a special permit under this chapter, the applicant shall submit an application accompanied by a fee of \$50 to the Secretary of the Board of Appeals and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed docks, piers, boathouses, structures and mooring buoys abutting or used in conjunction with his lot, including off-street parking, if required, and any docks, piers, boathouses, structures and mooring buoys within 200 feet of such existing or proposed docks, piers, structures and mooring buoys. The plot plan shall also show the applicant's parcel lines and their bayward extensions drawn in accordance with § 86-22 of this chapter. The applicant shall provide such other information as the Board of Appeals may require, including but not limited to filings with or permits from federal, state and county authorities, a description of the manner of construction and materials to be used, or evidence of ownership or possessory right, by easement, license, right-of-way or other regarding the abutting shoreline, and grants or leases pursuant to Article 6 of the Public Lands Law of the State of New York, regarding lands under water.

§ 86-28. Referral to Village Planning Board.

The application shall be referred to the Village Planning Board for recommendation and report to the Board of Appeals.

§ 86-29. County Planning Board approval.

The application shall be referred to the Wayne County Planning Board for recommendation and report to the Board of Appeals if so required by § 239-m of the General Municipal Law.

§ 86-30. Hearing of applications. [Amended 2-19-1987 by L.L. No. 3-1987]

The Board of Appeals shall fix a reasonable time for the hearing of such application and, not fewer than 10 days prior to the hearing date, publish such notice at least once in the official newspaper of the village. The Board of Appeals shall give written notice of such hearing to the applicant and the New York State Department of Environmental Conservation and the Federal Corps of Engineers, by registered or certified mail, and to all littoral landowners within 500 feet of the proposed dock, pier, boathouse or structure, by ordinary mail commended to the custody of the United States Post Office not less than 10 days prior to said hearing.

§ 86-31. Special permit determination.

The Board of Appeals, after the public hearing, shall not issue the permit unless it shall first:

- A. Determine that the proposed use is so designed, located or proposed to be located so as to protect the public health, safety, welfare and convenience of the community.

- B. Determine that the proposed use will not cause substantial injury to the value or beneficial use of other property in the vicinity where it is to be located or infringe the riparian rights of other littoral parcels.
- C. Determine that the proposed use will be compatible with the adjoining property and require such conditions as may be necessary to afford protection for such adjoining property.
- D. Determine that the proposed use will not impair navigational safety or unduly burden the free and open use of the waters bounding the village to a distance of 1,500 feet from the shoreline.
- E. Determine that the proposed use conforms with all applicable requirements of this chapter and state and federal requirements.
- F. Determine compliance with the State Environmental Quality Review Act.
- G. Consider the effect of the proposed use upon the logical, efficient and economical provision of public services, such as police and fire protection, streets, water and sewer and public parking and public recreation facilities.
- H. Impose such conditions, in addition to those required, as may be necessary to ensure that the intent of this chapter is complied with, which conditions may include modification of the design, size and location of the proposed use, the minimizing of noxious, offensive or hazardous elements, and adequate standards for parking, lighting and sanitation.

§ 86-32. Duration of permits.

- A. A special permit issued under this chapter shall continue in effect until it automatically expires or is modified, suspended or revoked. A special permit shall be for an indefinite duration, unless the Board of Appeals specifies an expiration date.
- B. The Board of Appeals may reevaluate the circumstances and conditions of any permit issued under this chapter either on its own motion, at the request of the permittee or a third party or at the request of the Docks and Moorings Inspector. The Board of Appeals may modify, suspend for a definite duration or revoke a permit as may be made necessary by considerations of the public interest. Among the factors to be considered are the extent of the permittee's compliance with the terms and conditions of the permit; whether or not circumstances relating to the authorized activity have changed since issuance of the permit and the continuing adequacy of the permit conditions; any significant objections to the authorized activity that were not earlier considered; revisions to applicable statutory or regulatory authorities; and the extent to which modification, suspension or revocation would adversely affect plans, investments and actions the permittee has reasonably made or taken in reliance on the permit.
- C. The Board of Appeals shall not modify, suspend for a definite duration or revoke any permit granted pursuant to this chapter until after a public hearing is held on such proposed action pursuant to § 86-30 of this article. The Board of Appeals, however, may order suspension of any permit prior to public hearing in the case of public emergency whereby circumstances affecting public buildings, public property, navigational safety or the health, safety or property of the public require immediate action that cannot await public hearing.

ARTICLE VIII

Applicability**§ 86-33. Applicability; compliance with provisions.**

This chapter shall apply to all docks, piers, boathouses, structures or moorings now or hereafter existing in the waters bounding the Village of Sodus Point to the distance of 1,500 feet, except as follows:

- A. Docks, piers, boathouses, structures and mooring buoys permanently located in such waters on March 20, 1986, the first date of publication of notice of public hearing upon this chapter in the official newspaper of the village, shall be exempt from the provisions of §§ 86-10, 86-11, 86-12, 86-13, 86-22B and C and 86-23 of this chapter. Docks, piers, boathouses, structures and mooring buoys that are replaced or reinstalled on an annual basis or are now or hereafter damaged to the extent of 50% of replacement value shall not be deemed permanent. All alterations, modifications, extensions or replacements of such permanent docks, piers, boathouses, structures and mooring buoys shall hereafter conform in all respects to the provisions of this chapter. No dock, pier, boathouse, structure or mooring buoy shall be deemed exempt until a permit certifying such exemption is issued by the Docks and Moorings Inspector. Application for such permit shall be made in accordance with Article VI of this chapter.
- B. Docks, piers, boathouses, structures and mooring buoys located in such waters on the date of adoption of this chapter, or which were in use during a one-year period prior to said date, shall comply with the provisions of this chapter not later than January 1, 1987.
- C. Operators of berthing and mooring facilities may apply to the Board of Appeals for a variance from the requirements of Article IV. of this chapter upon the showing of undue hardship for a period of time specified by the Board of Appeals, which variance shall not be greater than two years, and may be granted upon such terms and conditions as the Board of Appeals deems necessary and appropriate.

ARTICLE IX

Enforcement**§ 86-34. Prohibited acts. [Amended 9-9-1999 by L.L. No. 2-1999]**

Any person, firm, corporation or other entity who owns, places, locates, constructs or maintains any dock, pier, boathouse, deicer, structure or mooring buoy in violation of this chapter, or any other person who knowingly commits, takes part or assists in such acts shall be guilty of a violation of this chapter. The Docks and Moorings Inspector, any sworn police officer of the Village of Sodus Point Police Department or the Division of State Police, or the Sheriff, undersheriff and any deputy sheriff of the County of Wayne, is empowered to commence criminal actions pursuant to this chapter.

§ 86-35. Penalties for offenses.

Any violation of any provision of this chapter shall be deemed a violation, and any person found guilty thereof shall be liable to a fine which shall not exceed \$150 or to imprisonment not to exceed 15 days, or to both such fine and imprisonment, and each day's failure to comply with such provision shall constitute a separate violation. The Village Court of the Village of Sodus Point is invested with jurisdiction to hear and determine actions brought pursuant to this chapter.

§ 86-36. Additional remedies.

The village may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.

§ 86-37. Disclaimer. [Added 2-19-1987 by L.L. No. 3-1987]

This chapter shall not be construed to hold any Docks and Mooring Inspector or the Village of Sodus Point responsible for any damages to person or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect, as required by this chapter or any permits issued thereunder, nor shall they be liable for any damage to persons or property by reason of the Docks and Moorings Inspector exercising his discretion as provided in this chapter.