

**CHAPTER 73
BOATING**

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(HISTORY: Adopted by the Town Board of the Town of Henderson 06-14-1974. Amendments noted where applicable. (Revised: 06-11-2009 Local Law No. 3.) (Revised: 10-6-2011 Local Law No. 2)

**ARTICLE 1
General Provisions**

§73-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPOINTED REPRESENTATIVE - That person so appointed by the Henderson Town Board is to be officer in charge of the Town of Henderson Special Anchorage Area.

SPECIAL ANCHORAGE AREA - A specific area established by proper application and approval of the United States Coast Guard, per Federal regulations and the authorization of New York State Office of General Services Division of Land Underwater and the enactment of approval of a law by the Henderson Town Board establishing such Special Anchorage area.

VESSEL - The general classification of vessel, as defined in the New York State Navigation Law Article (1), Definitions, "vessel," with the exception of all vessels with a length greater than 65 feet.

CERTIFIED DIVER - A certified Diver will have a diver's certification issued by an accredited dive instructional organization. A copy of this certification must be on file with the Appointed Representative and be accepted by the Henderson Town Board or its' Appointed Representative. That certified diver will inspect the mooring site, fill out and sign the mooring survey report, and the owner will file a copy with the Town Clerk.

§73-2. Permit area.

A Special Anchorage area shall be established at the location noted on the charts filed in the Town Clerk's Office. This area will be for the use of public and private vessels per United States Coast Guard, New York Office of General Services use of Land Underwater and the Henderson Town Board. Vessels anchored in such area will not

be required to carry or exhibit the white light specified in (43) of the Navigation Law of the State of New York for vessels at anchor.

§73-3. Operation of the Special Anchorage Areas.

This area is under the control and supervision of the Henderson Town Board or its' Appointed Representative to oversee said operation at the discretion of the Henderson Town Board. The mooring fee shall be set by resolution of the Henderson Town Board based upon the expenses budgeted for the current year as necessary for the proper maintenance and upkeep of the Special Anchorage Area.

The Town of Henderson currently has in existence the TOWN OF HENDERSON SPECIAL ANCHORAGE RULES AND REGULATIONS and TOWN OF HENDERSON SPECIAL ANCHORAGE AREAS GROUND TACKLE SPECIFICATIONS. Said rules and regulations shall be in full force and effect as part of this Local Law, until amended by the Town Board.

§73-4. Applications.

- A. All completed applications, along with a check or money order made payable to the Town of Henderson shall be returned to the Town Clerk at PO Box 259, Henderson N.Y. 13650. Said application for permit will contain the following information:
 - (1) Completed and signed application form
 - (2) Notarized Special Anchorage Release form
 - (3) Completed Mooring Survey form signed by a Certified Diver (If Applicable)
 - (4) Check or Money Order (made payable to the Town of Henderson)
- B. The Town Clerk will mark the application "PAID", deposit the funds as per state regulations and deliver the application to the Henderson Town Board or its' Appointed Representative. All mooring permits shall be in effect for the period approximately April 1 through November 1 of the permit year.
- C. Assigning of mooring sites will be on a seasonal basis (yearly) with preference given to prior user if new application is submitted prior to 01 April of application year.
- D. All other assignments will come from the active waiting list.

§73-5. Mooring Location.

- A. Moorings will be located within the designated Special Anchor Area. The Henderson Town Board or its' Appointed Representative will give specific attention to the safety of the public when assigning and establishing the location of permanent moorings within the anchorage area.
- B. Each mooring will meet the requirements as set by the Henderson Town Board, United States Coast Guard and New York State Office of General Services Land Underwater Public Land Law.
- C. It will be the responsibility of the individual granted the specific mooring site to establish, install and maintain in a safe working order all necessary mooring tackle based on the size of the vessel to be moored. Furthermore, it is the responsibility of said individual to remove mooring ball and install a winter stick at the end of every season and to remove the winter stick and install a mooring ball at the start of the season. Season start and end dates will be established by the Henderson Town Board or Appointed Representative. Said installation and maintenance of all tackle will meet the safety requirements as defined by the Henderson Town Board prior to the actual mooring of a vessel to an assigned and installed mooring. In addition, the releaser will have an approved certified diver inspect the tackle, fill out the mooring survey report and file it

with the Henderson Town Board or their Appointed Representative prior to approval being granted to move a vessel on the site.

- D. At a minimum all tackle will be inspected every three years or sooner based on the certified divers report.

§73-6. Liability, Violations, Revocation of Permit.

- A. The holder of a mooring permit within the special anchorage area shall be responsible at all times for the condition of the mooring and its installation and removal from its specific location. All mooring users will sign a prescribed release form, releasing the Town of Henderson, County of Jefferson, State of New York and their officers and agents from liability in respect to the operation and use of the Special Anchorage Area.
- B. It shall be a violation, as defined in the Penal Law of the State of New York to
- (1) anchor a vessel at an unassigned mooring without the authorization of the Henderson Town Board or its' Appointed Representative.
 - (2) fail to maintain a safe and proper mooring.
- C. Any person violating any provisions of this article shall be subject to revocation of their mooring permit.
- D. Any mooring site that is not renewed by 01 April of the current year will constitute a forfeiture of all rights to the site and be considered abandoned. Upon written certified notice of such abandonment by the Henderson Town Board or its' Appointed Representative the owner of the tackle of said site will have 30 days to remove all tackle from the site at their expense.
- E. If no action is taken within 30 days of receipt of notification from the Henderson Town Board or its' Appointed Representative, the tackle becomes the property of the Town of Henderson.
- F. Leasing of individual moorings is not permitted. However, upon prior written request and approval from the Henderson Town Board or its' Appointed Representative, subletting of a mooring site for special events or circumstances may be granted. Upon approval, a visitor's permit will be issued stating the name and dates of authorization.
- G. Any holder of a mooring permit not using the site for more than one year will forfeit the position unless they have prior written approval from the Henderson Town Board or its' Appointed Representative. This becomes effective on January 1, 2013.

§73-7. Transient Mooring Site.

- A. In each special mooring area, there will be moorings established for the use of transient vessels.
- B. These moorings will be available on a three-day basis for transient vessels, extendable in the event of an emergency with the approval of the Henderson Town Board or Appointed Representative.
- C. There will be no charge for such mooring services.

§73-8. New York State Office of General Services.

Permit from New York State Office of General Services Division of land underwater is required to be renewed every ten (10) years. First renewal cycle is due 10 December 2018.

**ARTICLE II
Town of Henderson Boat Launch**

§73-9. Prohibited acts.

The following uses and activities are declared to be prohibited at the Town of Henderson boat launching ramp area on the shore of Lake Ontario without prior authorization from the Henderson Town Board.

1. Swimming
2. Fishing
3. Overnight camping
4. Open fires
5. Overnight parking
6. Any activity or use from one hour after sunset to one hour before sunrise

§73-10. Penalties for Offenses.

Any breach of this Law shall be prosecuted as a violation.

The Town of Henderson Town Board has the right to amend Local Law 73 at any time.