

STATE OF NEW YORK

7937

2017-2018 Regular Sessions

IN ASSEMBLY

May 19, 2017

Introduced by M. of A. HARRIS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the navigation law, in relation to the placement of navigational aids adjacent to real property designated as "Coney Island"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 35 of the navigation law, as amended by chapter 659
2 of the laws of 1990, is amended to read as follows:

3 § 35. Aids to navigation. 1. The commissioner may authorize, through
4 the issuance of a revocable permit, the placing of aids to navigation in
5 the navigable waters of the state, and any tidewaters bordering on or
6 lying within the boundaries of Nassau and Suffolk counties, to mark
7 obstructions to navigation, or for any other purpose, if, in his judgment,
8 it will promote safety of navigation. Any person interested in the
9 navigation of the navigable waters of the state, and any tidewaters
10 bordering on or lying within the boundaries of Nassau and Suffolk counties,
11 who may desire to place such aids to navigation therein, without
12 expense to the state, may make application to the commissioner and
13 submit a map suitable for blue print reproduction showing the proposed
14 location of such aids to navigation and their color and meaning. The
15 commissioner shall make rules and regulations establishing the size,
16 shape, color and significance of such aids to navigation. When authorization
17 has been granted the said aids to navigation shall be deemed
18 lawfully placed. If, in the judgment of the commissioner, aids to navigation
19 authorized by him are found to be improperly placed or that the
20 reason for their placement no longer exists, he may revoke the permit
21 authorizing their placement by written notice mailed to the person to
22 whom the permit was issued directing their removal within a specified
23 time. The person to whom such notice is directed shall thereupon remove
24 the aids to navigation in accordance with such instructions. In case of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10715-03-7

1 failure by the person so directed to remove the aids to navigation with-
2 in the specified time, the commissioner may cause their removal. The
3 cost and expense of such removal shall be a charge against the person
4 authorized to place the aids to navigation and it shall be recoverable
5 through action in any court of competent jurisdiction. Each aid to navi-
6 gation lawfully placed shall bear in a conspicuous place and in legible
7 condition the letters "NYS". Any person placing such designating letters
8 on an aid to navigation not lawfully placed, in accordance with this
9 section, shall be guilty of a misdemeanor and upon conviction by a court
10 of competent jurisdiction shall be subject to a fine of not more than
11 twenty-five dollars for each and every offense. Any person who shall
12 moor or fasten a vessel to a lawfully placed aid to navigation or shall
13 wilfully damage, alter the location of, or otherwise render ineffective
14 a lawfully placed aid to navigation shall be guilty of a misdemeanor and
15 upon conviction before a court of competent jurisdiction shall be
16 subject to a fine of not more than fifty dollars for each and every
17 offense.

18 2. The commissioner shall require the placing of aids to navigation in
19 the navigable waters adjacent to all real property designated as "Coney
20 Island". Such aids shall be placed five hundred feet from the shoreline
21 of such real property, in which no public or pleasure vessel shall be
22 permitted to travel. Notwithstanding any inconsistent provision of law,
23 rule, or regulation, any individual found to be operating a vessel with-
24 in such designated safety zone shall be fined fifty dollars per
25 violation. The commissioner shall make rules and regulations establish-
26 ing the size, shape, and color of such aids to navigation. Each aid to
27 navigation placed in accordance with this subdivision shall bear in a
28 conspicuous place and in legible condition the letters "NYS".

29 § 2. This act shall take effect immediately.