

~~USE ON CONGESTION WITHIN THE WATERS, THE EFFECT ON OTHER RIPARIAN PROPERTY OWNERS, AND THE PRESENT AND PROJECTED FUTURE NEEDS FOR ANY PROPOSED COMMERCIAL OR INDUSTRIAL USE. THE PORT WARDENS SHALL HAVE THE POWER TO REGULATE THE MATERIALS AND CONSTRUCTION FOR THE AFORESAID IMPROVEMENTS AND TO MAKE CERTAIN THAT ANY IMPROVEMENTS IN THE WATERS DO NOT RENDER THE NAVIGATION TOO CLOSE AND CONFINED.~~

(23A) [To] THE MUNICIPAL CORPORATION MAY provide for the creation [and appointment], APPOINTMENT, DUTIES, AND POWERS of a board of port wardens to exercise jurisdiction within the limits of the municipal corporation.

[(i) The wardens, or a majority of them, may determine and regulate all matters relating to the erection or building of wharves and mooring buoys or flotation wharves in the port, so far as respects the distance wharves, mooring buoys or floating wharves may be extended into the water, and the materials of which they shall be constructed, and the manner and form of construction. The wardens shall always consider the preservation of the navigation of the port by not permitting any wharf mooring buoys or floating wharf to be carried out in such a manner as to render the navigation of the port too close and confined or to be built of such materials or constructed in such a manner as may be deemed not sufficiently substantial and lasting.]

(I) A BOARD OF PORT WARDENS MAY REGULATE THE PLACEMENT, ERECTION, OR CONSTRUCTION OF STRUCTURES OR OTHER BARRIERS WITHIN OR ON THE WATERS OF THE MUNICIPALITY, INCLUDING BUT NOT LIMITED TO THE ISSUING OF LICENSES TO CREATE OR BUILD WHARVES OR PIERS AND THE ISSUING OF PERMITS FOR MOORING PILES, FLOATING WHARVES, BUOYS, OR ANCHORS, TAKING INTO EFFECT ACCOUNT THE PRESENT AND PROPOSED USES, AND THE EFFECT OF PRESENT AND PROPOSED USES ON MARINE LIFE, WILD LIFE, CONSERVATION, WATER POLLUTION, EROSION, NAVIGATIONAL HAZARDS, THE EFFECT OF THE PROPOSED USE ON CONGESTION WITHIN THE WATERS, THE EFFECT ON OTHER RIPARIAN PROPERTY OWNERS, AND THE PRESENT AND PROJECTED NEEDS FOR ANY PROPOSED COMMERCIAL OR INDUSTRIAL USE. THE PORT WARDENS SHALL HAVE THE POWER TO REGULATE THE MATERIALS AND CONSTRUCTION FOR THE AFORESAID IMPROVEMENTS AND TO MAKE CERTAIN THAT ANY IMPROVEMENTS IN THE WATERS WITHIN THE MUNICIPALITY DO NOT RENDER THE NAVIGATION TOO CLOSE AND CONFINED. THIS PROVISION IN NO WAY INTENDS TO AFFECT OR CONFLICT WITH ANY ZONING POWER OF A MUNICIPALITY.

(ii) No person may build any wharf OR PIER, or carry out any earth or other material for the purpose of building a wharf OR PIER, nor shall any persons place or erect mooring [buoys or floating piers] PILES, FLOATING WHARVES, BUOYS, OR ANCHORS without a license OR PERMIT from the port wardens. If any person violates the provisions of this section, or if any person builds any wharf OR PIER a greater distance into the waters of the port, or in a different form, or of different materials than determined and allowed by the wardens, he is subject to a fine as