

INCORPORATED VILLAGE OF SALTAIRE

LOCAL LAW NO. OF THE YEAR 2009

A LOCAL LAW AMENDING CHAPTER 14 OF THE VILLAGE CODE OF THE VILLAGE OF SALTAIRE REGARDING BOATS, NAVIGATION AND SURFACE WATER USE WITHIN THE LIMITS, BOUNDARIES AND JURISDICTION OF THE INCORPORATED VILLAGE OF SALTAIRE WHICH SHALL BE KNOWN AS, "NAVIGATION AND SURFACE WATER REGULATIONS OF 2009 OF THE INCORPORATED VILLAGE OF SALTAIRE."

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Enactment, Effective Date, Purpose and Definitions.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Amendments to Chapter 14 of the Saltaire Village Code

3.0 Enforcement and Penalties

3.1 Enforcement

3.2 Penalties

4.0 Severability and Validity

4.1 Severability and Validity

Section 1.0 Title, Enactment, Effective Date,
Purpose, and Definitions.

1.1. Title

This Local Law shall be entitled, "Navigation and Surface Water Use Regulations of 2009 of the Incorporated Village of Saltaire."

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Navigation Law of the State of New York, and the Village Code of the Village of Saltaire, the Incorporated Village of Saltaire, County of Suffolk and State of New York, hereby enacts by this Local Law of 2009, a Local Law of the Incorporated Village of Saltaire.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.

1.4. Purpose and Intent of Local Law.

A. Purpose

The purpose of this Local Law is to promote and protect:

- i. The public safety and welfare of the residents of the Village of Saltaire, their guests, and the visitors to the Village;
- ii. To preserve the environment of the Village of Saltaire, including the environmentally sensitive areas within the limits, boundaries and territory of the Saltaire, and of the areas adjoining or surrounding those areas and within the jurisdiction of the Village, including the turbidity and quality of the waters in and surrounding the Village of Saltaire, and their bottoms;

iii. To preserve the quality and value of property in the Village and the ability of the property owners, residents and guests to enjoy the use of their property and the aesthetic assets of the Village of Saltaire by regulating the surface water use, moorings and docks in the waters in and surrounding the Village of Saltaire.

B. Intent

The intent of the Local law is to amend Chapter 14 of the Saltaire Village Code to supplement the existing surface water use regulations for the Village of Saltaire in conformance with the New York State Navigation Law to regulate the use of the surface waters within the boundaries of the Village and the extended jurisdiction of the Village of Saltaire to one thousand five hundred feet (1,500') from the shorelines of the Village of Saltaire pursuant to the New York State Navigation Law.

2.0. General Provisions

2.1 Amendments to Chapter 14.

There shall be amendments to Chapter 14 of the Saltaire Village Code in conformance with this Local Law.

A. Amendment to Section 14-1.

Section 14-1 of the Saltaire Village Code is amended to add the following definitions:

Boat: Includes every description of watercraft or other motorized amphibious vehicles or other contrivance used or capable of being used as a means of transportation in the waters of the United States.

Dock or pier: A fixed structure to which a boat can be made fast or tied or attached.

Jurisdiction of the Village of Saltaire: The maximum area, over the waters surrounding the Incorporated Village of Saltaire, including areas outside the Village of Saltaire, within 1,500 feet of the mean low water mark of the shoreline of the Village, over which the Village of Saltaire may exercise jurisdiction, pursuant to the Navigation Law and the Village Law of the State of New York, and any other applicable laws of the State of New York. Where not otherwise stated in this Chapter, the area affected by any regulation hereunder shall be the area within one thousand five hundred feet (1,500') of the mean low waterline of the Village of Saltaire..

Mooring: A mooring for purposes of this local law is a place where or an object to which a boat can be made fast. Excluded from the definition of a mooring is a dock or pier.

Wake: Water displacement and/or disturbance caused by the movement and/or operation of a boat

No-Wake Zone: An area established within a body of water wherein water displacement and/or disturbance caused by the movement and/or operation of a boat shall not be permitted and/or is otherwise unlawful.

B. Amendment to Section 14-2

As a matter of police and sanitary regulations, from sunset to sunrise and in conformance with Section 14-6 of this Chapter, there shall be no occupancy of any boat or vessel moored within the territorial and riparian jurisdiction of the Village, except while boarding such boat or vessel for the purpose of mooring or while mooring and debarking such boat or vessel.

C. Amendment to Section 14-5

It is hereby declared and found that the mooring and anchoring of boats in the waterway known as Clam Pond Cove, hereinafter more specifically described, have caused serious pollution of the Cove, loud and disruptive noises and other nuisances during all hours of the day and night and are matters which affect the public health, safety and general welfare of the people of the Incorporated Village of Saltaire and the natural ecology of the waters of the Cove and the marshlands adjacent thereto and should be subject to restrictions and regulations hereinafter set forth. It is the intent of the Village of Saltaire that all sections of this Chapter are and shall remain in conformance with all applicable federal, state, county and town laws, and that in the event of any conflict between any portion or portions of this chapter with any superseding federal, state, county or town law, the superseding law shall govern.

D. Amendment to Section 14-6 (A)

During the period from May 1 through October 31 in each year and in conformance with section 14-2 of this Chapter, no person shall occupy any boat while such boat is moored or anchored in Clam Pond Cove between the hours of 7:00 p.m. and 7:00 a.m. [Amended 11-13-1999 by L.L. No. 3, 1999]

E Amendment to Section 14-7

It having been determined that the unregulated operation and docking of boats on the waters within and adjacent to the village has, in the past, constituted a safety and waterborne traffic hazard to people and property, disturbed wildlife and been a source of noise pollution, all of which adversely affect the welfare of the inhabitants of the village, and in order to minimize such adverse conditions while preserving reasonable opportunities for waterfront recreation, a No-Wake Zone is established everywhere in the Great South Bay that is within the Jurisdiction of the Village of Saltaire and within one thousand (1,000') feet of any shoreline, swimming area, marina, dock or pier of the Incorporated Village of Saltaire or in any place in the water above where the bay bottom is owned and/or leased by the Incorporated Village of Saltaire; and further that no person shall hereafter, within the territorial or riparian jurisdiction of the Village of Saltaire:

Section 14-7(C) of the Saltaire Village Code is amended to read as follows:

“(C) Operate any power-driven boat within one thousand (1,000') feet of any shoreline, swimming area, marina, dock, pier or moored or anchored boat at a speed exceeding five (5) miles per hour, and

Section 14-7(G) of the Saltaire Village Code is amended to read as follows:

(G) Dock any boat to or against the bayfront bulkhead constituting the outside of the marina docks without the written permission of the Village Administrator or Chief of Security or their authorized representatives.

Section 14-7(H) of the Saltaire Village Code is amended to read as follows:

(H) Operate or dock or moor any boat against the bayfront swimming docks or bring or authorize any boat to be brought within the confines of the designated bay swimming area at any time.

F Addition of New Section 14-13 Mooring Permits Required

Chapter 14 shall be amended to add a new Section 14-13; Mooring Permits Required

as follows:

“Section 14-13 Mooring Permits Required

All persons, entities or other parties mooring a boat within the jurisdiction of the Village of Saltaire, or within fifteen hundred feet (1,500') of the mean low water mark of the shorelines of the Village of Saltaire, as described and determined by this Local Law and the New York State Navigation Law, are hereby required to obtain a Village of Saltaire Mooring Permit from the Village of Saltaire. The moorings approved by the Village of Saltaire shall be located only in such designated areas as determined by the Village of Saltaire Village Administrator pursuant to this Local Law. The owner of an approved mooring shall be required to locate his mooring a sufficient distance from other moorings within the designated area so as to maintain safe distances in all wind conditions from all other boats in the designated mooring area. Any owner of an approved mooring shall agree in writing as part of the application and approval for the approved mooring permit that the Village of Saltaire, its trustees and employees, and each of them (the "indemnitees"), will not bear any responsibility, or be liable, for damages or any other expense on account of loss from wrongful death, personal injury or property damage of any kind or for any reason whatsoever arising out of the subject mooring permit. Applicant agrees to indemnify the indemnitees and to hold them harmless from and against any and all claims, causes of action, costs and expenses caused by or arising out of the use of the subject mooring permit. The Board may from time to time adopt and authorize the enforcement of such additional rules and regulations governing the use of moorings which the Board shall determine is necessary.

G. Addition of New Section 14-14; Regulations Regarding Docks and Piers Incorporating Section 55-20

Chapter 14 shall be amended to add a new Section 14-14; Regulations Regarding Docks and Piers as follows;

Section 14-14 Regulations Regarding Docks and Piers

All docks and piers within the Jurisdiction of the Village of Saltaire shall comply with all provisions of §55-20 of the Code of the Village of Saltaire.

H. Addition of New Section 14-15 Enforcement and Penalties

Chapter 14 shall be amended to add a new Section 14-15; Enforcement and Penalties as follows;

“14-15 Enforcement and Penalties

14.15(1) Enforcement

A. This Local Law shall be enforced by the Board of Trustees of the Saltaire, the Village of Saltaire Administrator, and such other persons or entities to which such responsibility and authority may be delegated or assigned by the Village of Saltaire.

The enforcement of this Local Law shall be both by the violation provisions hereunder, and any other civil remedies that may be available to the Village of Saltaire.

14-15(2) Penalties

A. Every violation of this Chapter 14 of the Village Code of the Village of Saltaire shall be subject to a fine of not more than \$250, per offense or violation, and for purposes of this local law and provision, each and every day that a violation of this Chapter shall exist shall be a separate violation of this Chapter 14.

B. The party and or boat that shall be in violation of this Chapter 14 shall be subject, at the option and discretion of the Village of Saltaire, or an appropriate body or officer of the Village, to the seizure of the boat that may be moored without a permit hereunder, or that is otherwise in violation hereof, with the costs of same, including storage and other charges, to

be assessed to the craft or vessel owner by the Village of Saltaire, and any other civil remedies as may be available to the Village.”

I. Addition of New Section 14-16 Severability and Validity

Chapter 14 shall be amended to add a new Section 14-16; Severability and Validity as follows;

“ 14-16 Severability and Validity

14-16(1) Severability and Validity

In the event that any portion or portions of this Chapter 14 shall be determined to be invalid or unenforceable for any reason, the remainder of this Chapter 24, and its provisions shall remain in full force and effect.”

3.0 Severability and Validity

In the event that any portion or portions of this Local Law of 2009 shall be determined to be invalid or unenforceable for any reason, the remainder of this Local Law of 2009, and its provisions shall remain in full force and effect.