

**Chapter 14**

**BOATS**

**Article 1.  
Definitions**

§ 14-1. Definitions.

**Article II.  
Occupancy of Moored Boats.**

§ 14-2. Overnight occupancy prohibited.

§ 14-3. Dumping in waters prohibited.

**Article III.  
Mooring and Anchoring in Clam Pond Cove.**

§ 14-4. Title.

§ 14-5. Legislative findings.

§ 14-6. General regulations.

**Article IV.  
Regulation of motor boats.**

§ 14-7. Operation.

**Article V.  
Regulation of other boats.**

§ 14-8. Operation of other than power boats.

**Article VI.  
General regulations.**

§ 14-9. Permits; fees.

§ 14-10. Obstructive operation of boats prohibited.

§ 14-11. Marina regulations.

§ 14-12. General regulations.

§ 14-13. Mooring Permits Required.

§ 14-14. Conformance with §55-20.

§ 14-15. Enforcement.

§ 14-15. Severability and Validity.

[HISTORY: Adopted by the Board of Trustees of the Village of Saltaire: Article III, adopted 4-23-1977 as LL No. 1, 1977; Article IV, 7-12-1980 as LL No. 9, 1980; Article V, adopted 4-21-1990 as part of LL No. 5, 1990; Article VI, adopted 4-21-1990 as part of LL No. 5, 1990; Amended 11-10-1996 as LL No. 3, 1996; Other amendments noted where applicable.]

**ARTICLE I  
Definitions**

**§14-1. Definitions.** [Amended 4-25-2009 by L.L. No. 2, 2009]

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

**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 OF PIER:** A fixed structure to which a boat can be made fast or tied or attached.

**CLAM POND COVE:** The waterway adjacent to the shores of the Incorporated Village of Saltaire and within the area bounded on the north by Bay Promenade and the high-water line of Great South Bay, extending from the easterly end of Bay Promenade to the prolongation southerly of a line parallel to and two hundred forty (240) feet west of the division line of Lot Nos. 5 and 6 on the Map of Partition of Great South Beach, 1878, filed in the Suffolk County Clerk's Office as Map No. 310; on the east by the prolongation southerly of said line; on the south by Lighthouse Promenade; on the west by Navy Walk, as said Bay Promenade, Lighthouse Promenade and Navy Walk are shown on the Official Map of the Village of Saltaire.

**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.

**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.

**OCCUPANCY OR OCCUPY:** The physical presence of any person on a boat, except for the purpose and while actually in the process of boarding or debarking said boat.

**TERRITORIAL OR RIPARIAN JURISDICTION:** Such areas of the waterways within or adjacent to the Incorporated Village of Saltaire over which the Village may, by law, exercise and impose such laws, rules and regulations as it shall determine are necessary for the safe and peaceful use of said waterways.

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

## ARTICLE II

### Occupancy of Moored Boats

**§ 14-2. Overnight occupancy prohibited.** [Amended 4-25-2009 by L.L. No. 2, 2009]

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.

**§ 14-3. Dumping in waters prohibited.** [Adopted 4-21-1990 by LL No. 5, 1990]

The dumping or discharging of materials of any kind in the waters within the territorial or riparian jurisdiction of the Village is prohibited.

## ARTICLE III

### Mooring and Anchoring in Clam Pond Cave

**§ 14-4. Title.**

This Article shall be known as the "Local Law Regulating Mooring and Anchoring of Boats in Clam Pond Cove, Incorporated Village of Saltaire, New York."

**§ 14-5. Legislative findings.** [Amended 4-25-2009 by L.L. No. 2, 2009]

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.

**§ 14-6. General regulations.**

- 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; 4-25-2009 by L.L. No. 2, 2009]
- B. Any owner of a boat required to be equipped with a marine toilet pollution control device pursuant to the regulations of the United States Coast Guard shall maintain such device in good working order at all times within Clam Pond Cove, and the owner or occupant of any such boat moored or anchored in Clam Pond Cove shall allow any police officer or other peace officer designated by the Board of Trustees of the Incorporated Village of Saltaire to board such boat to determine whether the same conforms to regulations of the United States Coast Guard.

ARTICLE IV  
Regulation of Motor Boats

**§ 14-7. Operation.** [Amended 7-15-1983 by LL No. 3, 1983; Amended 4-25-2009 by L.L. No. 2, 2009]

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:

- A. Operate any power-driven boat or other motorized amphibious vehicle unless it is properly documented by the federal government or currently registered with the State of New York.
- B. Operate any such boat or vehicle unless its motor is equipped with a functioning muffler or sound-abating device for reducing engine noise.
- 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.

**BOATS**

**§ 14-8.**

**§ 14-10.**

- D. Operate such boat or vehicle for the purpose of towing a person or persons on water skis, surfboards or similar devices unless there is present in the boat or vehicle a person at least ten (10) years of age, other than the operator, in a position to keep under observation the person or persons being towed.
- E. Operate any such boat or vehicle anywhere within Clam Pond Cove at a speed exceeding five (5) miles per hour.
- F. Dock or beach any such boat anywhere within the marina of the village without a permit.
- G. Dock any boat to or against the bayfront bulkhead or outside of the marina docks without the written permission of the Village Administrator or Chief of Security or their authorized representatives.
- 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

**ARTICLE V**  
**Regulation of Other Boats**

**§ 14-8. Operation of other than powerboats.**

No person shall operate a sail- or manually-powered boat within the confines of the bay swimming area or dock or moor such boat against the bayfront bulkhead or the outside of the marina. No person shall dock or beach such boat within or along any Village-owned property or facility without a permit.

**ARTICLE VI**  
**General Regulations**

**§ 14-9. Permits; fees.**

The Board may require a permit and charge a fee therefor, in such reasonable amount as it may from time to time determine, for the docking or beaching of any boat using Village-owned property or facilities for such purpose.

**§ 14-10. Obstructive operation of boats prohibited.**

No person shall dock, moor or beach any boat in such place or in such manner so as to obstruct or otherwise impede the free flow of boat traffic on the water, or free access to or from the water, or otherwise obstruct or interfere with the free movement of persons or traffic within the village.

**§ 14-11. Marina regulations.**

The Board may from time to time adopt and authorize the enforcement of such additional rules and regulations governing the use of Village-owned marine facilities as it may determine are necessary for the safe and effective operation of the same, the violation of which rules or regulations shall be subject to such fines as may be permitted by law.

**§ 14-12. General regulations.**

The Board may from time to time adopt and authorize the enforcement of such additional rules and regulations pertaining to the use of the waterways within the territorial and riparian jurisdiction of the Village, including but not limited to types of permitted boats or other watercraft, hours of operation of boats, permissible noise levels thereof, restricting certain areas for specific uses of persons or types of boats, or any other rule or regulation which the Board shall determine is necessary to promote and insure the safety of the Village waterways and of the peaceable enjoyment of same by residents and boat operators.

**§ 14-13. Mooring Permits Required.** [Added 4-25-2009 by L.L. No. 2, 2009]

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 the 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 expense 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.

**§ 14-14. Conformance with §55-20.** [Added 4-25-2009 by L.L. No. 2, 2009]

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.

**§ 14-15. Enforcement.** [Added 4-25-2009 by L.L. No. 2, 2009]

(A) Enforcement: 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.

(B) Penalties:

1. 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 should exist shall be a separate violation of this Chapter 14.
2. 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.

**§ 14-15. Severability and Validity.** [Added 4-25-2009 by L.L. No. 2, 2009]

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.