



TOWN OF SHELTER ISLAND

38 NORTH FERRY ROAD - P.O. BOX 1549
SHELTER ISLAND, NEW YORK 11964-1549

DOROTHY S. OGAR
TOWN CLERK

ADMINISTRATIVE (631)-749-1166
FAX NUMBER (631)-749-3436

Chapter 40

BOATS

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[HISTORY: Adopted by the Town Board of the Town of Shelter Island 10-10-1961. Section 40-12A amended during codification; see Ch. 1, General provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Docks - See Ch. 53.
Garbage, rubbish and refuse - See Ch. 73.
Littering - See Ch. 84.

§ 40-1. Title.

This chapter shall be known as the "Boat Ordinance of the Town of Shelter Island."

§ 40-2. Applicability.

The following rules and regulations shall apply to all waters within the Town of Shelter Island and to all waters bounding the Town of Shelter Island to a distance on one thousand five hundred (1,500) feet from the shore, provided that they shall not apply to waters within or bounding an incorporated village of the Town to a distance of one thousand five hundred (1,500) feet from the shore.

§ 40-3. Definitions [Amended 10-12-1984]

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

BOAT - Includes every vessel propelled and towed in any manner.

PERSONAL WATERCRAFT - A vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel [Added 4-16-1996 by L.L. No. 6-1996]

WATERS OF THE TOWN OF SHELTER ISLAND - All waters and lands below the mean high water mark over which the Town of Shelter Island has jurisdiction. [Added 8-19-1988 by L.L. No. 2-1988]

§ 40-4. Sanitation.

A. The dumping of oil, refuse, garbage, sewage or waste is prohibited. [Amended 6-8-1970]

B. The operation of any gasoline-powered engine on the inland freshwaters of the Town is prohibited. [Added 7-29-1968]

C. No boat on which persons are residing shall be moored within four hundred (400) feet of the shore in the inland waters of the Town of Shelter Island or waters bounding said Town, excluding waters lying with the Village of Dering Harbor, where the adjacent beach or land area is occupied by residential buildings or a public bathing beach. Boats moored at docks where landside sanitary facilities are made available to the boat occupants and public marinas heretofore or hereafter established shall be exempt from this provision. [Added 6-8-1970]

§ 40-5. Removal of disabled boats.

A. Any boat which becomes a menace to navigation or becomes unseaworthy or sinks, grounds or otherwise becomes disabled or incapable of

navigation shall be removed or restored to navigable condition by the registered owner upon notice from the Shelter Island Town Board or its designated agent, which notice shall be either by personal service or registered mail addressed to the registered owner's last known address as given by him or as stated in his certificate of registration.

B. If such boat is not removed or restored to navigable condition by said owner within one (1) week after the mailing of said notice, the Shelter Island Town Board or its designated agent may, in addition to pursuing a criminal action against said owner, direct the removal or destruction of the boat, and the cost of said removal, including storage charges, shall be attached to and shall become a lien upon said boat, and said boat may be sold upon direction of the court at public auction to defray said expenses, any surplus being returned to the owner of record. The Town shall not be liable for any damage done to said boat during its removal, storage and sale. [Amended 11-10-1969]

C. Boats utilizing and/or stored at Town property must be firmly anchored or secured and display current registration numbers, if applicable, and bear the legible name, address, and phone number of owner. All boats shall be removed from Town property between December 15 and March 30 of each year. Boats not meeting these requirements may be removed by the Town after twenty-one days notice to the last owner, if known. Ownership of boats unclaimed after such period shall vest in the Town, who may sell the property at public auction to recover removal and storage costs. [Added 6-2-2006 by L.L. No. 6-2006; Amended 1-24-2013 by L.L. No. 1-2013]

§ 40-6. Operation near bathers.

No boat propelled other than by hand shall cruise or be operated within one hundred (100) feet of any lifelines or bathing float, or, if there are no lifelines or bathing float, then within one hundred (100) feet of any public or semipublic beach regularly used for bathing or swimming, except that such boat may approach or depart perpendicularly to such beach at a rate not to exceed five (5) miles per hour solely for the purpose of commencing or ending the ride.

§ 40-7. Water-skiers.

A. No person shall operate a vessel for towing a person on water skis, a surfboard or similar device unless there is in such boat or vessel a person, other than the operator, of at least ten (10) years of age, in a position to observe the progress of the person being towed.

B. No person shall ride on water skis, a surfboard or similar device or use or operate a boat to tow a person thereon between the period of one (1) hour after sunset to one (1) hour after sunrise.

C. No person shall ride on water skis, a surfboard or similar device or use or operate a boat to tow a person thereon within one hundred fifty (150) feet of any public or semipublic bathing beach or public dock or within fifty (50) feet of any swimmer or bather; nor shall any such person engaged in such activities come within three hundred (300) feet of the shoreline unless he approaches or departs perpendicularly to the shoreline and solely for the purpose of commencing or ending the ride.

§ 40-8. Operation of boats or vessels. [Amended 6-27-1979]

A. Every master or operator of a vessel shall at all times navigate same in a careful and prudent manner and at such rate of speed as not to unreasonably endanger any vessel or person.

B. No vessel other than the tending vessel shall be operated within one hundred (100) feet of a red flag with a diagonal white bar which, when displayed on the water or from a boat, indicates underwater diving.

C. No vessel shall be operated at a speed exceeding five (5) miles per hour within one hundred (100) feet of shore, a dock, pier, raft, float, an anchored or moored vessel or in the following creeks: West Neck Creek, Menantic Creek, Congdon's Creek, Gardiner's Creek and Chase Creek.

D. No vessel shall tie or moor to any Town-owned float, buoy or channel marker except in an emergency, and then only for the duration necessary to effect repairs or remedy the emergency.

E. No boats shall be anchored or moored in, or so close to allow boats to swing out into, the channel in Dering Harbor as set out and marked by buoys; said buoys to state "No mooring between buoys." [Added 6-11-1982]

F. Except where lower maximum speed limits have been posted, no boat shall be operated in excess of forty-five (45) miles per hour in the waters of the Town of Shelter Island. [Added 8-19-1988 by L.L. No. 2-1988]

§ 40-9. Mufflers.

No person shall operate a boat propelled wholly or partly by an engine operated by the explosion of gas, gasoline, naphtha or other substance without having the exhaust from the engine run through a muffling device so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

§ 40-9.1. Personal watercraft. [Added 4-16-1996 by L.L. No. 6-1996]

A. Legislative intent. It is the intent of these regulations to maximize the public's use and enjoyment of the waterways of the Town of Shelter Island in a safe and responsible manner and to protect the shallow marine areas while protecting the health, safety and welfare of all the people of the Town of Shelter Island.

B. Regulations.

(1) No person shall operate a personal watercraft unless each person riding on or towed behind such vessel is wearing a life jacket (Type I, II, III, or V) approved by the United States Coast Guard.

(2) No person shall operate a personal watercraft unless such vessel is equipped and fitted with a United States Coast Guard approved device for arresting carburetor backfire.

(3) No person shall operate a personal watercraft unless such vessel is equipped with at least two (2) ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases.

(4) Any person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach such lanyard to his or her person, clothing or personal flotation device as is appropriate for the specific vessel.

(5) No person shall operate a personal watercraft at any time between the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise.

(6) No person shall operate a personal watercraft within five hundred (500) feet of any bathing area or shoreline, except in bodies of water where the opposing shoreline is less than five hundred (500) feet therefrom, or within five hundred (500) feet of a red flag with a diagonal white bar which, when displayed on the water or from a boat, indicates underwater diving. [Amended 8-4-2000 by L.L. No. 7-2000]

(6.1) Personal watercraft shall be operated at all times in accordance with speed regulations and restrictions as provided by local law and ordinance as posted on the waters, but in no event at a speed in excess of twenty (20) miles per hour. In addition, no personal watercraft shall be operated at a speed exceeding five (5) miles per hour within one hundred (100) feet of an anchored or moored vessel. [Added 8-4-2000 by L.L. No. 7-2000; amended 9-15-2000 by L.L. No. 10-2000]

(7) Every personal watercraft shall at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property, including but not limited to weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, sudden turning, stopping and rapidly accelerating and swerving at the last possible moment to avoid collision, shall constitute reckless operation of a vessel.

(8) Personal watercraft are prohibited from all creeks, beaches and harbors within the Town except during transit to and from waters shoreward of the following points: from Chequit Point to Poor's Point in Dering Harbor, from the end of Shell Beach to Ward's Point in West Neck Harbor and from Reel Point to Sungic Point in Coecles Harbor. In addition, personal watercraft may be launched from designated launching sites or from private beaches with the property owner's consent. "Transit" shall mean the safest direct route to and from the launching site of the personal watercraft to or from waters as specified above. At no time during transit shall the speed of a personal watercraft exceed twenty (20) miles per hour.

(9) Registration numbers on personal watercraft shall be visible at all times and shall be in accordance with all applicable federal and state regulations.

(10) Personal watercraft shall comply in all respects with all state and federal regulations.

§ 40-10. Special permits.

Nothing herein contained shall prohibit the Town Board of the Town of Shelter Island from issuing special permits for aquatic events, boat races or otherwise under proper supervision in limited areas for limited periods, after prior approval by the United States Coast Guard.

§ 40-11. Serial number. [Added 5-28-1976]

A. No person shall willfully remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number of identification mark on any outboard, inboard and/or inboard-outboard motor.

B. No person shall knowingly buy, sell, receive, dispose of, conceal or knowingly have in his possession any outboard, inboard and/or inboard-outboard motor from which the manufacturer's serial number or any other distinguishing mark or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of said outboard, inboard and/or inboard-outboard motor.

§ 40-12. Penalties for offenses. [Amended 11-10-1969]

A. An offense against the provisions of this chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both. [Amended 6-12-1981 by L.L. No. 2-1981]

B. When a violation of this chapter is continuous, each twenty-four (24) hours thereof shall constitute a separate and distinct violation.