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Chapter 53

DOCKS

ARTICLE I
General Provisions

§ 53-1. Title.

§ 53-2. Applicability.

§ 53-3. Statutory authority.

§ 53-4. Enforcement.

§ 53-5. Definitions.

ARTICLE II
Town-Owned Docks, Piers and Wharves

§ 53-6. Legislative findings.

§ 53-7. Permit required.

§ 53-8. Additional regulations.

ARTICLE III
Commercial and Private Docks

§ 53-9. Permits.

§ 53-9.1. Permit issuance and terms.

§ 53-10. Fees.

§ 53-11. Design and construction of private and commercial docks.

§ 53-12. Existing docks.

§ 53-13. Responsibilities.

§ 53-14. Regulations regarding living or residing on boats or docks.

§ 53-15. Waivers.

ARTICLE IV
Other Water Control Structures

§ 53-16. Permit required.

§ 53-17. Additional permit provisions.

ARTICLE V
Additional Provisions

§ 53-18. Coordination with Wetlands Law.

§ 53-19. Power of Town Board to impose restrictions.

§ 53-20. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Shelter Island 5-18-1999 by L.L. No. 4-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Boats - See Ch. 40.
Moorings - See Ch. 90.
Waterways - See Ch. 128.
Wetlands - See Ch. 129.

ARTICLE I
General provisions

§ 53-1. Title.

This Chapter shall be known as the "Town of Shelter Island Dock Local Law."

§ 53-2. Applicability.

This Chapter shall regulate the use of Town-owned docks, piers, wharves and bulkheads; the size and placement of commercial and private docks; the size and placement of other water control structures; and the removal of materials from lands under water. The Town Board of the Town of Shelter Island deems it in the public interest to regulate the use, size and placement of docks and other structures in order to optimize the use of Town owned underwater lands by the general public for recreational and shellfishing purposes while at the same time recognizing the riparian rights of upland owners.

§ 53-3. Statutory authority.

This Chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law and the New York State Constitution.

§ 53-4. Enforcement.

The Dock Inspector is hereby authorized and directed to enforce the provisions of this Chapter.

§ 53-5. Definitions.

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

BOAT or VESSEL - Any floating object capable of being used as a means of transportation in water and including any airplane capable of landing on water.

BOATYARD - A commercial facility for maintenance, construction and/or repair of any type of watercraft with or without provision of supplies, storage, fueling, or the retail sale of boats, motors and marine equipment.

CHANNEL - Water areas specifically reserved for unobstructed movement of vessels which may be marked by navigational aids permitted by the United States Coast Guard and/or the State of New York and/or the Town of Shelter Island.

COMMERCIAL DOCK - A dock utilized for commercial purposes. Under this Chapter, such dock shall be located in "B" Zone or be part of an existing commercial boatyard/marina.

COMMERCIAL VESSEL - A boat or vessel from which the owner obtains a significant portion of his income and/or which is registered as a commercial/passenger vessel either with New York State or the United States Coast Guard.

DOCK - Any floating and/or non-floating structure designed to accommodate a boat, such structure being attached at least on one end to the upland and elsewhere to the underwater lands below the mean high water mark, and including accessories to said structure such as floats, dolphins, pilings, anchors and anchor lines, ramps, ladders, lifts and hoists. A permit for a dock shall run with ownership of the land. [Amended 2-13-2015 by L.L. No. 4-2015, effective 2-25-2015.]

DOCK INSPECTOR - The duly appointed Building Inspector of the Town of Shelter Island.

FORESHORE - The passageway around the perimeter of Shelter Island between the mean high and mean low water marks.

OWNER(S) - The person(s) or entity(ies) in whose name the upland to which the dock is connected is/are recorded in the Office of the Suffolk County Clerk.

PERMITTEE - The owner to whom a dock permit has been issued.

PLEASURE VESSEL - All boats or vessels other than government, commercial and institutional.

PRIVATE DOCK - A dock utilized by the owner or occupant for pleasure vessels and/or recreational purposes.

RESIDENT - Includes all domiciliaries who have actually and consistently resided within the Town of Shelter Island for a period of not less than six (6) months immediately preceding their application for a permit hereunder and/or owners of real property situate in the Town of Shelter Island.

RIPARIAN RIGHTS - The entitlement of the owner of upland property fronting on a body of water to reasonable access to and use of such water.

SHORELINE - The interface of waterway and upland, at specified location and tidal condition.

TOWN DOCK - A dock or pier owned or managed by the Town.

TOWN WATERS - All waters and land below the mean high water mark over which the Town of Shelter Island has jurisdiction.

WATER FRONTAGE - The line along the mean high water mark which defines the interface between a lot and the waterway.

ARTICLE II
Town-Owned Docks, Piers and Wharves

§ 53-6. Legislative findings.

It is hereby determined that the existing docks, piers and wharves of the Town of Shelter Island located at Congdon's Creek at the easterly terminus of Congdon Road and at Dering Harbor at the easterly terminus of Bridge Street in the Town of Shelter Island are hereby established as self-supporting improvements, pursuant to Section 141 of the Town Law of the State of New York.

§ 53-7. Permit required. [Amended 4-8-2011 by L.L. No. 2 - 2011, effective 4-14-2011]

No person shall moor or secure a boat at the docks, piers and wharves located either at Congdon's Creek or at Dering Harbor without first obtaining a permit from the Town Clerk, except as hereinafter provided. Said permits shall include a sticker, which must be displayed on the authorized boat adjacent to the displayed registration number.

A. Congdon's Creek dock, pier and wharves.

(1) A dock permit may be issued for any type of boat with a minimum length of twelve (12) feet.

(2) Any such permit shall be valid for a term ending March 31st of each year. During the transition to this annual renewal date permits shall be issued for varying periods all to terminate March 31, 2012.

(3) No slip shall hold more than one (1) boat which shall be no longer than thirty-five (35) feet length overall. The beam of the boat shall be less than the distance between the standoff piles for the slip for which the permit is issued.

(4) Each applicant for a permit or permit renewal for a slip shall provide the Town Clerk with the applicant's name, proof of residency, proof of his ownership of boat, number and name of boat and proof of proper registration. A current photo of the boat must be submitted with the initial permit application. Any permittee must own the same boat at the time the permit is issued within sixty (60) days thereafter.

(5) Initial and renewal permits may be obtained directly from the Town Clerk upon submission of proof satisfactory to the Town Clerk that said permittee is a resident of the Town of Shelter Island and owns the same boat as described on the permit. If such permittee wants to berth a different boat, he must provide the Town Clerk with proof of his ownership of such boat, a description of the boat, its name and registration number and proof of registration of boat. Slips not renewed by April 1st, 2012 and every year thereafter, including mail renewals

postmarked after April 1, shall be assigned by the Town Clerk to the next applicant on the wait list

(6) The Town Board from time to time may establish, on its own motion, the fees for docking and mooring of boats and for the wait list.

(7) No person shall moor or secure a boat at the end of the dock more than two (2) consecutive hours, nor shall any boat so secured or moored exceed thirty (30) feet in length. A dock permit shall not be required in this event.

(8) In the event that there are more applications than available spaces, a wait list will be established to determine the awarding of permits. A person must meet residency requirements to be placed on the wait list and supply their name and contact information. A person on the waiting list who qualifies for a sublet may remain on the waiting list for a slip assignment.

(9) A permittee who is unable to have his/her boat in slip from July 1 through September 30th (High Season) must notify the Town Clerk by June 1st. The Town Clerk will offer the slip for a High Season sublet to the next interested applicant on the wait list. If the applicant accepts, all the information for a new permit application must be submitted, and the permit fee paid to the Town Clerk for that High Season period, and the Town Clerk will issue a permit for occupancy during that High Season. The original permittee may only do a High Season sublet twice during his slip tenancy.

(10) Off Season Sublet – October 1 through June 30th. A permittee may allow another person to use his slip from October 1 through June 30th provided he notifies the Town Clerk, and the Sublessee submits all the information for a new permit application and pays the permit fee to the Town Clerk for that Off Season period, and the Town Clerk will issue a permit for occupancy during that Off Season.

(11) If permittee dies, the permit for that slip may be transferred only to a surviving spouse, providing they meet all requirements of this Chapter.

(12) All permittees, including sublessees, shall comply with the provisions of this Chapter. Upon a second violation of this Chapter, the permit may be revoked after a noticed hearing before the Waterways Committee.

B. Dering Harbor dock, pier and wharves.

(1) A dock permit may be issued for the west side of the dock for a period of nine (9) months, extending from September 15 through the following June 15. The use of the west side of the dock shall be limited to resident commercial vessels.

(2) Applications for a permit for resident commercial vessels shall be made no later than September 16 of each year. In the event that there are more applications than available spaces, a lottery will be held to determine the awarding of permits. If there are more spaces than applications, the Town Board reserves

the right to continue to accept additional applications for spaces remaining. Otherwise, the use of the west side of the dock shall be in accordance with Subsection B (5) herein.

(3) Each applicant shall provide the Town Clerk with his name, Shelter Island address, proof of his ownership of boat, description of boat, number and name of boat and proof of proper registration.

(4) During the period from June 15 to September 15 of each year, no person shall moor or secure a boat for more than two (2) consecutive hours. A dock permit shall not be required in this event.

(5) During the period from September 16 to June 14 of each year, a boat may be moored or secured for no more than ten (10) consecutive days on one (1) occasion during such period, provided that the Town Clerk has been notified, in writing, of the same.

(6) The Town Board from time to time may establish, on its own motion, the fees for docking or mooring of boats.

§ 53-8. Additional regulations. [Amended 5-20-2011 by L. L. No. 3-2011, effective 5-26-2011]

A. No person shall live or reside on a boat docked, secured or moored at any Town-owned dock, pier, wharf, bulkhead or similar facility within the Town.

B. No person shall moor or secure a boat for more than two (2) consecutive hours at the Town-owned bulkhead at Grace's Lane in Dickerson Creek, except that during designated scallop season, a resident with a shellfish permit issued by the Town of Shelter Island may use the floating dock or bulkhead for purposes relating to the taking of scallops only; provided, however, that any such boat shall not exceed twenty-five (25) feet in length and must be moored or secured parallel to the floating dock or bulkhead.

C. No person shall moor or secure a boat on the end or east face of the Town-owned dock at Daniel Lord Road. The west face along the launching ramp is for active launching, hauling, loading, and unloading of boats only and has a 10 minute docking limit.

D. Acceptance of a permit under this chapter shall constitute an agreement that the permit holder will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with the mooring or securing of his boat, nor is the Town responsible for loss, damage or theft of boats and/or other contents or to any other private property.

E. The Town Board reserves the right to enact additional rules and regulations with respect to mooring or securing boats at docks, piers, wharves, bulkheads or similar facilities owned by the Town of Shelter Island. Any permit hereafter issued shall be issued subject to the permittee conforming to any rules

and regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board.

ARTICLE III
Commercial and Private Docks

§ 53-9. Permits. [Amended 1-31-2003 by L.L No. 3 - 2003, 2-13-2004 by LL No. 3-2004]

A. A permit shall be required for the construction, alteration or modification of a dock. A permit shall not be required for the repair of a dock, except in any of the following circumstances:

(1) when the total cost for such repair of an existing dock exceeds ten thousand ($10,000.00) dollars;

(2) when the repair is other than in kind and in place;

(3) when no previous permit has been issued for the construction of a dock;

(4) when less than thirty (30%) percent of the original structure remains in a structurally sound condition.

(5) extension of utilities (including water, electric, cable and telephone) to a dock requires a building permit issued by the Town Building Department.

B. Applications for permits may be made by the owner or the agent of that owner utilizing standard forms available from the Office of the Town Clerk.

C. Each application for a new dock shall be accompanied by the following:

(1) A certified survey of the owner's property on which the proposed dock is to be located, indicating the zoning district and showing property lines, exact location of the proposed dock and other structures, any unusual natural features on the property and adjacent waters and depths to the nearest foot at ten-foot intervals to the end of the dock, measured at mean low water.

(2) An accurately dimensioned scale drawing of the proposed dock in plan and elevation format showing the structural design details of the dock, including the location and type of services and utilities (including water, electric, cable and telephone).

(3) Specifications for the construction materials to be used.

(4) Any copies of applications and permits related to other agencies as may be required.

(5) A statement signed by the owner that the materials and design of the dock will meet all pertinent federal, state, county and Town regulations.

(6) A statement signed by the owner that acceptance of a permit shall constitute an agreement that the permittee:

(a) Will indemnify and hold the Town of Shelter Island and its authorized representatives harmless from any liability in connection with any property damage or bodily injury that may occur as a result of the issuance of a permit hereunder, nor is the Town responsible for the less, damage or theft to boats and/or their contents; and

(b) Consents to the entry on the property by the Dock Inspector or other authorized representative of the Town in order to make such inspections as the Town may deem necessary to ensure compliance with the terms and conditions of the permit.

(7) Each application for a dock shall be accompanied by the following [Amended 6-2-2006 by L.L. No. 4-2006]:

(a) From the owner, a certificate of insurance for at least $300,000 liability on the location and operations covered by said permit; and

(b) From the contractor performing the operations covered by said permit, an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least $500,000. covering operations of the contractor pursuant to said permit.

(8) The requisite fee to be determined by the Town Board.

(9) Any other information which the Town Board may deem necessary.

D. In addition to the above, it shall be a prerequisite for a complete application that the off-shore location for the proposed dock be clearly delineated by a minimum of four stakes and that additional stakes be placed at the property boundaries nearest the dock. The location of these stakes should correspond exactly to the configuration of the proposed dock on the scale drawing accompanying the permit application.

§ 53-9.1 Permit Issuance and Terms. [Added 2-23-2004 by L.L No. 3-2004]

A. All applications for permits shall be subject to a public hearing, except that applications to repair, replace or reconstruct any devices or structures included in this article shall be granted or denied by the Town Board without a public hearing. In making its determination, the Town Board shall consider the recommendations of the Waterways Committee of the Town Board.

B. The validity of any permit issued shall be conditioned on the issuance of permits from other governmental or municipal authorities as may be required.

C. A permit will expire 12 months from the date of issuance. A permit may be extended by resolution of the Town Board for an additional period of one year without a public hearing, provided that the request for same is submitted no

later than the expiration date. [Amended 5-29-2009 by L.L. No. 8-2009, effective 6-4-2009]

D. Acceptance of a permit shall constitute an agreement that it shall be the owner's responsibility to endure proper usage of the structure at all times, to maintain the structure in conformance with these regulations and in the interests of public safety and protection of the waterways and not to obstruct any rights of the public as may exist to use the underwater lands.

E. Acceptance of a permit shall also constitute an agreement that the owner shall hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damage that may arise from the issuance of this permit.

F. No dock construction may be commenced under the permit until the Building Department is notified by the dock contractor of the date construction will commence.

G. No certificate of compliance certifying satisfactory completion of a new dock, or other dock improvement designated by the Town Board, shall be issued until a survey showing the as-built location is submitted to the Building Department.

§ 53-10. Fees.

A. Permit fees for the construction, alteration, modification or repair of a dock shall be established by resolution of the Town Board.

B. Permit fees for work on commercial docks shall not be more than twice that charged for private dock permit fees.

§ 53-11. Design and construction of private and commercial docks.

A. A dock shall not be an impediment nor a menace to navigation and shall at all times provide and allow suitable and unobstructed passageway around or over such dock so that the public will have free unobstructed passage along the foreshore of Shelter Island.

B. The location of a dock shall cross the water frontage of a lot with the same setback requirements from the extremes of that water frontage as apply for the principal dwelling on that lot, but in no case less than twenty-five (25) feet. The dock shall extend seaward in a direction and configuration that does not intrude on neighboring lots' equivalent rights to current or future dock location.

C. Length and Depth of Docks

(1) At mean low water, a private dock may not extend into the waterway farther than the equivalent of fifteen (15%) percent of the shortest distance at mean low water from the shoreline where the dock is located to the opposite shoreline.

(2) A private dock may not extend either: (i) more than one hundred (100) feet offshore from the mean high water mark on the owner's upland property, or (ii) beyond the point where mean low water depth reaches four (4) feet, whichever of these two conditions occurs sooner.

(3) A private dock may not extend in total linear measure of all walkways, ramps, floats, and distance to tie-off pilings more than one and one-half (1.5x) times the specified maximum off shore distance of the dock.

(4) A commercial dock may not extend either more than three hundred (300) feet offshore from the mean high water mark of the owner's upland property, or beyond the point where the mean low water depth reaches six (6) feet, whichever of these two alternative conditions occurs sooner.

D. Width of docks.

(1) A private dock, exclusive of floats, but including walkways and ramps shall be no wider than five (5) feet; the deck area of floats shall be no greater than two hundred (200) square feet.

(2) A commercial dock, exclusive of floats, but including walkways and ramps shall be no wider than ten (10) feet; floats shall be no wider than twelve (12) feet.

E. Any waterways illumination whether dock-mounted or shore mounted, shall be focused downward and shall not directly light an area more than ten (10) feet beyond the foreshore or the footprint of the dock. Any illumination presently in existence shall be in compliance with this subsection no later than six (6) months after the adoption of this Chapter.

F. Private dock installations to store or convey fuel or sewage shall not be permitted.

§ 53-12. Existing docks.

Any dock in existence prior to the adoption of this Chapter is exempt from the standards set forth herein except in the following circumstances:

A. Alterations, modifications or repairs other than in kind and in place;

B. Repair of a dock whether deteriorating or destroyed by any cause including an act of God where less than thirty (30%) percent of the original structure is usable.

§ 53-13. Responsibilities.

A. Acceptance of a permit shall constitute an agreement that it shall be the owner's responsibility to ensure proper usage of the dock at all times; to maintain the dock and all appurtenances and equipment in conformance with these regulations and in the interests of public safety and protection of the waterways;

and to not obstruct the right of the public to pass along the foreshore between the mean high and low water marks.

B. Acceptance of a permit shall also constitute an agreement that the owner will hold the Town of Shelter Island and its authorized representatives completely blameless for any liability in connection with property or bodily damage that may arise from the issuance of this permit.

C. Should the Dock Inspector determine that a dock has become a threat to life or property or a menace to navigation, he shall immediately notify the Town Board. Upon receipt of such notice, the Town Board shall direct the Dock Inspector to notify the owner of his findings regarding the condition of the dock by certified and regular mail and by posting such notification upon the owner's property of his findings regarding the condition of the dock. In the event the owner does not remove or repair the dock within the time required by the Dock Inspector, the owner shall be notified by certified and regular mail that the Town will make any necessary repairs to render the dock safe at the owner's expense. Should the dock require removal, the owner shall be notified by certified and regular mail of the Town's intention to make an application to the Supreme Court, Suffolk County for an order determining the dock to be a threat to life or property or a menace to navigation and directing that it be removed by the Town with all expenses incurred in this proceeding and the removal to be borne by the owner.

§ 53-14. Regulations regarding living or residing on boats or docks.

A. No person shall live or reside for more than one week on a boat berthed at a private dock.

B. No person shall live or reside on a private or commercial dock.

§ 53-15. Waivers.

The Town Board shall have the authority to modify or waive, subject to any appropriate conditions, any provision(s) of this Chapter as in its judgment is not requisite to the interests of the public health, safety and general welfare, except where such waiver would be contrary to other ordinances or state law. A request for such waiver may be initiated by written request to the Town Board accompanied by documentation that fully explains and supports the reasons for the request. Additional information may be sought from the applicant at the discretion of the Town Board.

ARTICLE IV
Other Water Control Structures

§ 53-16. Permit required.

No person shall construct, repair, replace or reconstruct or place any bulkhead, pile, float, building, pier, wharf, jetty, groin, dolphin, dike, dam or other water control device or other structure, any part of which is embedded in or attached to land above or below water, in or on any Town waters, Town lands under water, foreshore or state or county lands under water within the geographical limits of the Town, nor shall any person remove or move any sand, gravel or other material from such lands in the Town of Shelter Island without first obtaining a permit from the Shelter Island Town Board. The provisions of this section do not apply to the installation, repair or replacement of moorings or stake, mooring and pulley systems, the regulations for which appear in Chapter 90 of this Town Code.

§ 53-17. Additional permit provisions. [Amended 2-13-2004 by L. L No. 3-2004]

A. The permit process shall be the same as that for docks, except as herein specified.

B. Existing water control structures. Any water control structure in existence prior to the adoption of this Chapter is exempt from the standards set forth herein except in the following circumstances:

(1) Alterations, modifications or repairs other than in kind and in place.

(2) Repair of a water control structure, whether deteriorated or destroyed by any cause, including an act of God, where less than thirty (30) percent of the original structure is usable.

ARTICLE V
Additional Provisions
[Amended 8-4-2000 by L.L. No. 6-2000.]

§ 53-18. Coordination with Wetlands Law.

A. In addition to the requirement of this Chapter, any dock or other water control structure requiring construction, dredging, filling or alteration in, on or over a wetland or within a regulated area as defined in Chapter 129, shall apply for a permit under Chapter 129.

B. In the event of a conflict between any provision of this chapter and Chapter 129 (Wetlands), the provisions of Chapter 129 shall apply.

§ 53-19. Power of Town Board to impose restrictions.

In issuing a permit under this Chapter, the Town Board may impose such reasonable conditions and restrictions as will prevent the obstruction or interference with navigation, the public use of Town waters or lands under Town waters, or shall be in furtherance of the public interest.

§ 53-20. Penalties for offenses.

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 ($250.00) dollars or by imprisonment for not more than fifteen (15) days, or both. Any violation of Articles II or III which is not corrected within one (1) week shall be deemed a continuing violation.

Printed: September 3, 2015.