



TOWN OF SHELTER ISLAND

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Chapter 90

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MOORINGS

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§ 90-1. Title.

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

§ 90-2. Purpose. [Amended 6-2-2006 by L.L. No. 5-2006]

The purpose of this Chapter is to maintain and permit the just and orderly placement of moorings and stake, mooring and pulley systems in the Shelter Island Town waters. The Town currently has issued 862 mooring permits, and is issuing these permits at the rate of approximately 50 per year. One area of Town waters currently has a waiting list for moorings, and there is a moratorium on issuance of moorings in another area. The Town's creeks and bays are reaching the maximum capacity for moorings, when balanced against the competing needs for open water for recreational use, and fairways for navigation of boats. A gridded mooring area system is being instituted to maximize the use of the waterways. Because of the limited availability of mooring space, mooring permits will be for Shelter Island residents only. Therefore, permits will be revoked when a permittee is no longer a resident. Moorings for non-residents can be obtained at a number of commercial establishments. Fees collected herein will be used to cover costs associated with the administration and operational services and facilities related to enforcement of this Chapter in Town waters.

§ 90-3. Statutory authority.

This Chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law.

§ 90-4. Definitions.

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

BOAT or VESSEL - Any floating object capable of carrying people as a means of transportation in water, including any airplane capable of landing on water as well as any floating structure, not otherwise considered to be part of a dock structure as defined in Chapter 53, with or without means of propulsion that can be moored independently or can be secured by any means to a piling, dock, bulkhead, groin, or other fixed devices located above or below mean high water mark.

BOATYARD - A commercial facility having the primary function of building, repairing and/or maintaining vessels, with or without provision for sales of food and beverages, general supplies, fuel, vessels and equipment, rental of space for berthing or storing vessels, and/or the rental of commercial moorings.

CHANNEL - Water areas specifically reserved for unobstructed movement of vessels and which are marked by aids to navigation permitted by the U. S. Coast Guard and/or the State of New York and/or the Town of Shelter Island.

CHOCK - The fitting or device through which the mooring line first passes onto the vessel.

COMMERCIAL MOORING - A Town-registered mooring that is rented out by a boatyard, marina, yacht club or commercial entity, which business must be located on the waterfront. Rental of stake, mooring and pulley systems is prohibited. [Added 7-9-2010 by L.L. No. 8-2010, effective 7-19-2010]

COMMERCIAL VESSEL - Includes a boat or vessel which is registered as a commercial vessel with New York State or the U. S. Coast Guard and/or whose owner has a commercial fishing or commercial shellfishing license.

FAIRWAY - Any designated and/or maintained waterways area reserved exclusively for unobstructed transit of vessels through waters unencumbered by navigational hazards or reserved for other purposes; and, including those waters extending not less than twenty five feet parallel to and outside of each side of any federally designated navigational channel.

HOLDING MOORING - A mooring used by a boatyard or marina for temporarily securing a vessel before its hauling or launching, and not for rental purposes.

MARINA - A commercial waterfront facility having the primary function of providing rental space for berthing vessels, with or without provision for sales of food and beverages, general supplies, fuel, boats and equipment, vessel repairs and maintenance, and the rental of commercial moorings.

MOOR or MOORING - When used as a verb shall mean the attachment of or to attach a vessel to the ground by means of tackle previously placed and so designated that upon disconnection of a vessel from said tackle a buoyed part of the tackle remains attached to the ground and is not taken under control of the vessel. When used as a noun, it shall mean any assembly consisting of a mooring buoy together with an anchor or its equivalent, and lines of any material connecting the two for the purpose of mooring a vessel.

MOORING FIELD - An area of waterways reserved for exclusive occupancy by moored vessels.

MOORING GRID - A configuration of mooring placements within a mooring field, such configuration designed to optimize the utilization of area within the mooring field.

OWNER - Includes the person or persons in whose name a boat or vessel registered with a state, or documented with the U. S. Coast Guard, or in any case, the last known person claiming lawful possession of such vessel, either through legal title or equitable interest therein. Also includes a person who leases or charters a boat for a period of not less than three years from the date of application for a Town mooring permit. [Amended 6-2-2006 by L.L. No. 5-2006]

PENNANT - The length of chain, rope and other connecting lines between the anchor and the chock of the vessel being moored.

PERMITTEE - A person holding a valid mooring permit.

PERSON - Any individual, firm, partnership, trust, corporation, company, association, or organization.

PLEASURE VESSEL - Includes all boats or vessels other than commercial, governmental or institutional vessels.

PRIVATE MOORING - A mooring used for a specifically identified vessel owned, leased or chartered by the person in whose name the mooring is registered with the Town.

RESIDENT - Includes any person who has resided in the Town of Shelter Island for a period of not less than six months immediately preceding an application for a permit hereunder or who is the owner of real property in the Town, or in the case of an organization, where the majority of owners or beneficiaries are residents.

RIPARIAN RIGHTS - The right of an owner of waterfront property to reasonable access to navigable waterways.

RIPARIAN OWNER MOORING - A private mooring, belonging to a waterfront property owner, the use of which is not limited to a specifically identified vessel. Only one riparian mooring is permitted to a waterfront property owner. [Amended 6-2-2006 by L.L. No. 5-2006]

SCOPE - Usually expressed as the ratio of the pennant length to water depth at specified tidal elevation, the water depth including height of chock above water surface and often a provision for storm surge.

STAKE, MOORING AND PULLEY SYSTEM - A system consisting of an in-ground or equivalent stake above the mean high water mark or on a bulkhead and a mooring in immediately adjacent waterways, both connected by lines and pulleys. [Amended 6-2-2006 by L.L. No. 5-2006]

TOWN - The Town of Shelter Island.

TOWN BOARD - The Town Board of the Town of Shelter Island.

TOWN CLERK - The Town Clerk of the Town of Shelter Island.

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

WAITING LIST - A roster, in chronological order, of qualified candidates for a mooring permit, reflecting Priority Entitlements as provided herein, who seek a specific location within a given area prescribed for that purpose, when the sought-after area does not offer a vacancy.

WINTER STAKE - A marker which replaces a mooring buoy and which bears the valid permit number as prescribed in this Code Chapter 90.

§ 90-5. New permits.

A. Any person applying for a permit under this Chapter must own a vessel, or have leased or chartered same for at least three years from the date of permit

application, must be a resident and be at least sixteen years of age, or as otherwise provided in this Chapter.

B. No person may install a mooring or a stake, mooring and pulley system in any Town waters without obtaining a permit from the Town Board. A public hearing shall be held prior to issuance of a permit for a stake, mooring and pulley system or a mooring which is not within a gridded area. A separate application shall be required for each mooring or stake, mooring and pulley system. [Amended 6-27-2003 by L.L. No. 9-2003]

C. Application for moorings or stake, mooring and pulley systems shall not be accepted for the following types of boats:

1. Boats less than twelve feet in length.
2. Personal watercraft, including but not limited to jet skis and the like.
3. Sunfish, surfboards, wind surfers, and similar "board boats".
4. Canoes, kayaks, rowing shells and paddle boats.
5. Duck boats and duck blinds.
6. Floating dry docks and similar non self-propelled vessels.
7. Boats or vessels used as a permanent dwelling.
8. Boats similar in design to the foregoing.

D. Mooring fields and mooring grids shall be established by Town Board resolution that defines the location and perimeter of each within Town waters.

1. A qualified applicant for a mooring permit in a gridded mooring field shall submit the required application form and attachments to the Town Clerk, at which time the applicant will select a vacant location suitable for the vessel to be moored, and enter that location onto the permit application. The permit will be issued by Town Clerk authority within 10 days, without Town Board or public hearings on the application, unless the Town Clerks request Town Board intervention. [Amended 6-2-2006 by L.L. No. 5-2006]

2. Waiting Lists.

a. A waiting list, reflecting priority guidelines as given in this Chapter 90 where appropriate, shall be established and maintained by the Town Clerk for each designated mooring field wherein no vacancies exist. Applicants seeking a permit to place a mooring in a mooring field where there is no vacancy may enter their name onto the waiting list for their specific vessel, upon payment of a non-refundable, non-transferable, calendar year fee in the amount prescribed by Town Board resolution. [Amended 6-2-2006 by L.L. No. 5-2006]

b. To remain on the waiting list in subsequent calendar years, a renewal application fee as prescribed by Town Board resolution must be paid to the Town Clerk prior to April 1 of each year. Late or new payments relegate the applicant to the bottom of the waiting list, as does a request for a change in location. [Amended 6-2-2006 by L.L. No. 5-2006]

c. A position on a given waiting list does not preclude the application for a mooring permit for the same vessel at another location, nor continuation of the listing if a permit is granted for the specific vessel elsewhere. However, no fractional year waiting list fee or mooring fee credit or refund will be allowed for award of a permit to a waiting list vessel or transfer of mooring location at the owner's discretion. [Amended 6-2-2006 by L.L. No. 5-1006]

E. Waiting lists for non-grid areas may be established from time to time by resolution of the Town Board, and shall follow the rules prescribed above.

F. Applications for permits shall be available from the Town Clerk's Office, and shall require the following information and attachments: [Amended 6-2-2006 by L.L. No. 5-2006]

1. Vessel owner's name, primary residence, Shelter Island and mailing addresses, and contact phone number.

2. Description of the specific vessel to be moored (not required for Riparian Owner Mooring):

a. Vessel type and dimension (LOA, LWL, beam, draft).

b. Type and size of vessel's engine(s), if any.

c. Hull identification number (HIN) for any vessel built after 1972.

d. Photograph that clearly identifies the vessel.

3. Attestation to compliance with the no discharge requirements for any boat allowed to use the mooring.

4. Proof of ownership per copy of vessel registration, bill of sale, documentation certificate or, if not so registered, copy of equivalent proof of ownership or lease or charter agreement that extends for at least three years from the date of permit application. (Not required for Riparian Owner Mooring).

5. Attached application fee as established by Town Board resolution.

6. GPS latitude and longitude designation of the vacant location chosen by the applicant in a gridded mooring field. In a non-gridded mooring field, the applicant must submit a sketch and description of the desired location in other mooring areas in a form acceptable to the Town Board, as well as the GPS latitude and longitude position of the proposed mooring.

G. Mooring permits shall contain the following conditions: [Amended 6-2-2006 by L.L. No. 5-2006]

1. The permit holder is responsible for installing and maintaining the appropriate mooring tackle to adequately secure the boat to the mooring.

H. Moorings must be accurately placed before July 1 or within nine months of permit issuance, whichever is sooner, and properly maintained at the location specifically permitted by the Town Board or by Town Clerk assignment as applicable. All moorings must adhere to the following rules:

1. A mooring not at its prescribed location shall be deemed off-station.
 2. Use of an off-station mooring shall constitute illegal anchoring of a vessel in Town waters, with consequent penalties as prescribed in the Town Code.
 3. All winter stakes must be removed from the water, and the mooring marked with a buoy, between July 1 and Labor Day.
- I. Boatyards and marinas may apply for a maximum of two holding mooring permits.
- J. Only one Town permit shall be issued for each vessel. Included in this requirement are stake, mooring and pulley systems and dock permits issued for the Town dock at Congdon's Creek. Pre-existing multiple permits for the same boat will not be allowed. [Amended 6-2-2006 by L.L. No. 5-2006]
- K. Revenues collected hereunder shall be applied primarily to the administrative expenses of this Chapter, and to projects and services associated with the management, protection and enhancement of Town waters and Town owned underwater lands.
- L. Upon approval of the mooring application by the Town Board or its authorized representative as provided for in this Code Chapter 90, the Town Clerk shall issue a three year permit.
- M. Notwithstanding the foregoing, the Town Board reserves the right to require a permit holder of a mooring or stake, mooring and pulley system to relocate a mooring if it determines after a public hearing that there are compelling reasons requiring a relocation. If there is no available alternate location, the permit holder will be offered top priority on the waiting list of his/her choice.
- N. In the event that the permittee is a business which is conveyed, any commercial mooring permits held by that business shall not be assigned or transferred to the new owner without approval of the Town Board after a public hearing, who shall give due consideration to, among other things, all the factors listed for consideration for new commercial mooring applications. [Amended 7-9-2010 by L.L. No. 8 - 2010, effective 7-19-2010]
- O. Acceptance of a permit shall constitute an agreement that the permittee will hold the Town of Shelter Island and its authorized representative completely blameless for any liability in connection with the mooring of his boat or vessel; nor shall the Town be responsible for the loss, theft or damage to boats and/or their contents nor damage to any other private property caused by moored boats.
- P. A permittee must notify the Town Clerk of any change in the boat to be placed on the mooring or stake, mooring and pulley system within seven days of the change, and must submit an updated application to the Town Clerk including a copy of the new boat registration/documentation/charter agreement as well as a photograph of the changed vessel. The Town Clerk shall pass that information to the Waterways Committee for a determination whether the mooring location is suitable for a boat of this size and configuration. Upon a recommendation from

the Waterways Committee, the Town Clerk will accept the change. If the Waterways Committee cannot recommend the change, that matter will be referred to the Town Board for determination after a public hearing. [Amended 10-22-2005 by L.L.No. 16-2004, effective 10-29-2004]

Q. It is a violation of this Chapter for any mooring or stake, mooring and pulley system to be maintained in Town waters without a valid permit issued by the Town Board or not in full compliance with all the provisions of this Chapter. [Amended 6-2-2006 by L.L. No. 5-2006]

R. [Added 7-9-2010 by L.L. No. 8-2010, effective 7-19-2010] For Commercial Mooring applications, the Town Board shall consider the following criteria and amenities provided by the applicant in determining whether or not permit shall be granted:

- (1) adequacy of parking facilities;
- (2) availability of restroom and shower facilities;
- (3) presence of dinghy dock and or availability of launch service;
- (4) availability of trash receptacles;
- (5) availability of pump out station;
- (6) availability of fuel spill response kit;
- (7) proximity of waterfront facility to proposed mooring;
- (8) impact of mooring on the safety of the public;
- (9) the condition of marine life;
- (10) the availability of mooring space as may exist in that location;
- (11) Town landings or private residences should not be used as the access points to commercial moorings.

§ 90-6. Renewal permits.

A. A permit may be renewed for an additional three year term without Town Board approval in accordance with the following:

1. The Town Clerk shall notify the permittee by first class mail at least 3 months prior to the expiration date of a valid permit of the need to renew said permit prior to its expiration date, per an enclosed blank permit application form.

2. The permit may be renewed only within the 3 months prior to the end of the permit term. If the application for renewal and accompanying fee are not submitted on or before the expiration date of the existing permit, the existing mooring permit shall be considered null and void on the expiration date. This period may be extended upon submission of a letter to the Town Clerk establishing reasonable cause. In such event, the Town Board shall require a new mooring permit application for that location either from the original permittee or from other applicants, and act upon the earliest application. If a new permit is issued to an applicant other than the prior permittee, the latter must promptly remove the

existing mooring or stake, mooring and pulley system within thirty days after written notice to remove it has been sent to the owner; or if notice cannot reasonably be given after diligent effort is made to effect such notice, said mooring may be removed by or at the direction of the Town at the owner's expense.

a. Applicants for renewal of a permit must provide the Town Clerk with proof that the permittee owns the same boat as described on the permit.

B. Applications shall be accompanied by a copy of the current boat registration/documentation/charter agreement, attestation of compliance with the no discharge requirements, the exact latitude and longitude of the mooring, a photograph of the boat showing conspicuous changes, and any other information requested by the Town Clerk. Each application shall also include the required fee established from time to time by Town Board resolution.

C. Applicants for renewal of a permit for any mooring located in a grid of a boatyard or marina as defined herein, or the Shelter Island Yacht Club and other institutional or commercial entities must submit a map superimposed on a navigational chart enlarged ten (10) times or equivalent survey, showing the locations of all moorings in their grids, if such exist, and the individual mooring numbers. Each application shall also include the required fee as established from time to time by Town Board resolution.

D. A permittee must notify the Town Clerk of any change in the boat to be placed on the mooring within seven days of the change, and must update the application to provide a copy of the new boat registration/documentation/charter agreement as well as a photograph of the changed vessel. The Town Clerk shall pass that information to the Waterways Committee for a determination whether the mooring location is suitable for a boat of this size and configuration. Upon a recommendation from the Waterways Committee, the Town Clerk will renew the permit. If the Waterways Committee cannot recommend that change, the matter will be referred to the Town Board for determination after a public hearing. [Added 10-22-2004 by L.L.No. 16-2004, effective 10-29-2004]

§ 90-6.1. Permit revocation. [Added 6-2-2006 by L.L. No. 5-2006]

A. Permits may be revoked for any of the following reasons:

1. The permittee is no longer a Town resident.
2. If the mooring is not placed on station before July 1 or within nine months of permit issuance, whichever is sooner.
3. If a mooring is placed without a permit, or in a location other than the one for which the mooring has a permit.
4. If a mooring fails to meet the minimum requirements set forth in the rules and regulations.

B. Permits may be revoked after notice of revocation is sent by certified mail to the permit owner, or mooring holder if known, at the last known address. The Bay Constable or Police Department shall be in charge of enforcement. Notice of revocation shall give the mooring owner fifteen days notice of the intent to revoke the mooring permit, and offer a hearing on the revocation in front of the Town Board. After fifteen days, and after the hearing if requested, the Town Board may adopt a resolution of mooring revocation stating the reasons for revocation, and file it with the Town Clerk.

C. In the event of revocation, no portion of the permit fees will be refunded.

D. If a permit is revoked, or if a mooring does not have a permit, written notice to remove it has been sent to the owner giving 30 days notice to remove. If said mooring or stake, mooring and pulley system is not removed within this time, or if notice cannot be reasonably given after diligent effort is made to effect such notice, said mooring may be removed by or at the direction of the Town at the owner's expense. The tackle may be sold by Town at a public auction, and the expense of removal, storage and sale may be collected by the Town from the sale proceeds before any excess is returned to the owner.

§ 90-7. Exemptions.

Boatyards and marinas as defined herein, the Shelter Island Yacht Club, and other institutions and commercial entities, having exclusive mooring fields approved by Town Board resolution, are exempt from the requirement that each permit be issued for a specific boat or vessel.

§ 90-8. Priority entitlements.

Requests for a particular location or area of Town waters will be treated in accordance with the following Priority guidelines:

A. Riparian property owners who do not have a mooring permit.

B. Displaced permittee from existing mooring.

C. Resident commercial vessel owners, who do not have a mooring permit.

D. Resident pleasure vessel owners, who do not have a mooring permit.

E. Resident commercial businesses applying for a holding mooring(s), who do not have a mooring permit.

F. Current permit holders applying for additional moorings.

§ 90-9. Rules and regulations.

A. No person shall moor any vessel so as to endanger the safety of, or cause damage to any other vessel.

B. Each vessel secured by a mooring or a stake, mooring and pulley system shall be moored so that it shall remain within its prescribed area within the assigned mooring field, and not drift into any area restricted by the Town.

C. Moorings and stake, mooring and pulley systems shall meet the following minimum requirements:

1. All mooring buoys shall be clearly visible and white above the water-line, shall be a minimum of twelve inches in length or diameter, and be clearly marked with the permit number. [Amended 6-2-2006 by L.L. No. 5-2006]

2. All permit numbers and letters shall be marked in black, be not less than three (3") inches in height and shall be clearly visible at all times between dawn and sunset.

3. All stake, mooring and pulley systems shall be marked with the permit number both on, or immediately adjacent to the shore-end stake and on the connected mooring buoy.

4. Rental mooring buoys shall clearly be marked with an "R" plus the permit number.

5. Holding mooring buoys shall clearly be marked with an "H" plus the permit number.

D. A winter stake shall be upright at all times at not less than a thirty-degree angle, with at least eighteen inches of one end painted white and exposed above the water. The permit number shall be marked in black or other contrasting color on the exposed, white end of the winter stake in figures at least three inches tall

1. A winter stake must be removed from the water between July 1 and Labor Day of each year, and replaced with a mooring buoy.

E. All mooring anchors or their equivalent shall be of appropriate size and weight, with chain or rope in sound condition to properly secure the moored vessel, and a mooring buoy attached to the mooring line of at least twelve inches in length or diameter and of sufficient size and buoyancy to remain afloat when not attached to the vessel. [Amended 6-2-2006 by L.L. No. 5-2006]

1. Simultaneous occupancy of a mooring by more than one vessel and its tender is prohibited for a period of more than three hours.

F. A private mooring permit granted by the Town Board pursuant to this Chapter shall not be rented, transferred or assigned, except as follows:

1. In the event that a private mooring permit holder vacates his/her Shelter Island residence in favor of exclusive tenant occupancy for at least 31 days but less than 120 days, the tenant may utilize private mooring for the same or smaller vessel for all or part of the duration of the occupancy of the residence; provided that the Town Clerk is notified in writing of such arrangement, including copy of the lease, prior to the tenant's use of the mooring. [Amended 6-2-2006 by L.L. No. 6-2006]

2. A private mooring may be used for not more than five calendar days in any calendar month by other vessels of the similar or smaller size belonging to the permittee or the permittee's guests, provided that written notice of such

occupancy is delivered to the Town Clerk's office not later than the second day of such occupancy. [Amended 6-2-2006 by L.L. No. 5-2006]

G. Any boat or vessel moored in violation of any part of this Chapter or the rules and regulations adopted by the Town Board pursuant to this Chapter; or any boat, vessel, or float or portion of a stake, mooring and pulley system which while moored, sinks, grounds or becomes otherwise disabled; or becomes so located as to endanger life or property in any way; or becomes a menace to navigation or the environment; shall be removed forthwith by the owner or person in charge thereof pursuant to the provisions of Section 40-5 of the Town Code.

H. If a permittee acquires a different boat to be placed on the mooring, the applicant must, within thirty days, provide the Town Clerk with a description of the new vessel, proof of ownership and a photograph clearly identifying the vessel, so that the permit may be amended accordingly.

I. A boat which does not comply with the no-discharge zone sanitary device requirements shall not be eligible to apply for a new or renewal mooring permit.

J. No more than three permits shall be issued to any one person or to all members of a household residing at a single address including stake, mooring and pulley systems and a dock permit for the Town dock at Congdon's Creek. [Amended 6-2-2006 by L.L. No. 5-206]

K. A mooring permit shall only be valid only when the holder is a resident of the Town of Shelter Island. A mooring permit holder who changes residency during the term of the initial or a renewal permit has an obligation to notify the Town Clerk and surrender the permit when he or she ends their residency in the Town of Shelter Island. [Added 6-2-2006 by L.L. No. 5-2006]

§ 90-10. Additional rules and regulations.

The Town Board reserves the right to enact additional rules and regulations with respect to moorings and stake, mooring and pulley systems. Any permit hereafter issued shall be issued subject to the permittee conforming to the rules and regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board or amendment to this Chapter.

§ 90-11. Restricted waters. [Amended 5-8-2009 by L.L. No. 5-2009, effective 5-13-2009]

A. No mooring or stake, mooring and pulley system permits shall be issued for the following Town waters:

1. Congdon's Creek
2. Dickerson Creek
3. Gardiner's Creek
4. Crab Creek
5. Mabel's Creek

6. Any designated transient anchoring areas.

B. Riparian owners may apply for a permit to install either a stake, mooring and pulley system of a dock commencing from their property, but they may not install both.

§ 90-12. Severability.

In the event that any portion of this Chapter is hereafter found to be invalid, such invalidity shall not affect the remaining portions of this Chapter.

§ 90-13. Penalties for offenses.

A violation of any provision of this Chapter shall be an offense against this Chapter which shall be punishable by a fine of not more than seven hundred fifty (\$750.00) dollars or imprisonment for a period not exceeding fifteen (15) days for each offense, or by both fine and imprisonment, and by the revocation of any permit hereunder held by any person found guilty of such violation.

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