

Chapter 56

DOCKS AND DOCKING

[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock: Art. I, 6-6-1962 by Ord. No. 18; Art. II, 7-9-1984 by L.L. No. 6-1984. Amendments noted where applicable.]

ARTICLE I

Rules and Regulations

[Adopted 6-6-1962 by Ord. No. 18]

§ 56-1. Title; applicability; purpose.

- A. The rules and regulations set forth in and under this Article, which may be referred to as the "Dock Ordinance of the Village of Saddle Rock," shall apply with respect to the speed and operation of boats while being operated or driven upon any waters or waterways within the Village of Saddle Rock or subject to its jurisdiction and upon any waters or waterways adjacent to or within a distance of 1,500 feet from the shore and to the use of any equipment or facilities adjacent to, within or for use within such area.
- B. It is hereby declared and found that the subject matter of this Article affects the public interest and that the rules and regulations herein contained are necessary for the purpose of preserving and caring for the safety, health, comfort and general welfare of the inhabitants of the village or visitors thereto, the protection of property and the maintenance of peace and good order.

§ 56-2. Compliance with other laws.

All provisions of the Navigation Law of the State of New York or the inland rules enacted by Congress and governing the navigation of the inland waters of the United States and the pilot rules for United States inland waters and the provisions of the Federal Motor Boat Act of 1940 and Federal Boating Act of 1958, and the rules and regulations promulgated and pursuant thereto, shall be complied with by all vessels navigating the waters and waterways described in § 56-1 of this Article, notwithstanding any other provision of this Article.

§ 56-3. Definitions.

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

BOAT or VESSEL — Includes every description of watercraft or other contrivance used on or capable of being used as a means of transportation in water.

OWNER — Includes any person who claims or exercises lawful possession of such vessel by virtue of its registration with the New York State Conservation Department, Division of Motorboats, if requiring registration, and, in any other case, the last known owner.

§ 56-4. Qualifications of operator.

- A. Every mechanically propelled vessel, while under way in the waters and waterways described in § 56-1 of this Article, shall be in the charge of an operator qualified through knowledge of the operation of the power unit of such vessel and the applicable rules and regulations of this village.
- B. No person who is the owner of a mechanically propelled vessel shall knowingly authorize or permit the operation thereof by any person under the age of 14, unless the operator is accompanied therein by a person over the age of 14 or is the holder of a boating safety certificate.

§ 56-5. Mooring.

- A. Boats shall not moor unless previously granted a mooring permit by the Captain of the Port of New York, United States Coast Guard.
- B. Boats shall not moor or anchor within channel limits, and in no case shall vessels tie to or anchor within 50 feet of any channel marker or so as to interfere with the full use of the channel or within 100 feet of the dock.
- C. Boats shall not moor or anchor so as to endanger the safety of or cause damage to any boat previously moored or anchored or so as to interfere with the mooring of any boat previously laid down. Any boat so moored, anchored or tied up shall be removed by the owner or person in charge thereof on order of the Board of Trustees or any duly authorized officer or agent thereof. If said boat is not removed after orders to so remove it, it may be removed by or at the direction of the Board of Trustees or any duly authorized officer or agent thereof, at the expense of the owner or person in charge of said boat.

§ 56-6. Operation of vessels.

- A. Every person operating a boat shall at all times operate the same in a careful and prudent manner and at such a rate of speed as not to disturb the reasonable comfort or endanger the property of another or the life or limb of any person or interfere with the free and proper use of the waters and waterways described in § 56-1 of this Article.
- B. No boat shall be operated at a greater speed than four miles per hour within the waters and waterways described in § 56-1 of this Article. Throwing up a dangerous wake when approaching or passing another boat is prohibited.
- C. No person shall operate a boat propelled wholly or in part by an engine operated by the explosion of gas, gasoline, oil, naphtha or other substance without having the exhaust from the engine run through a muffler so constructed and used as to muffle the noise of exhaust in a reasonable manner or controlled by the introduction of water into the exhaust pipe or line.
- D. Discharging of toilets from boats and vessels is prohibited.
- E. Dumping of oil, refuse, garbage or waste is prohibited.
- F. Any vessel which becomes a menace to navigation or unseaworthy or sinks, grounds or becomes otherwise disabled shall be removed by the owner or person in charge thereof on order of the Board of Trustees of the Village of Saddle Rock or any duly authorized officer

or agent thereof. If said boat is not removed after orders to so remove it, it may be removed by or at the direction of the Board of Trustees or any duly authorized officer or agent thereof, at the expense of the owner or person in charge of said boat.

§ 56-7. Accident reports.

- A. Whenever a vessel meets with an accident, within the area described in § 56-1 of this Article, involving a loss of life, personal injury or damage to property, it shall be the duty of the operator of such vessel or the owner thereof to report the same immediately, either in person or by registered letter, to the Village Clerk of the Village of Saddle Rock.
- B. Such report shall be submitted in writing, setting forth the details of the accident and sworn to before an officer authorized to administer oaths.
- C. This requirement shall be observed notwithstanding any law, regulation or requirement for making other or additional reports.

§ 56-8. Water sports.

- A. No person shall operate a boat for towing a person on water skis, a surfboard or similar device unless there is, in such boat, a person in addition to the operator and in a position to observe the progress of the person being towed.
- B. No person shall ride on water skis, a surfboard or a similar device or use or operate a boat or vessel to tow a person thereon during the period between an hour after sunset and sunrise.
- C. No person shall ride on water skis, a surfboard or a similar device or use or operate a boat or vessel to tow a person thereon in any channel or within 150 feet of any public or semipublic bathing area or public dock or mooring area or within 100 feet of any swimmer or bather, nor shall any such person engaging in such activities come within 300 feet of the shoreline unless they approach or depart perpendicular to the shoreline and solely for the purpose of commencing or ending the ride.
- D. Nothing herein contained shall prohibit the Board of Trustees from issuing special permits from time to time, subject to such terms and conditions as it shall therein impose, for aquatic events and boat races or otherwise under proper supervision in limited areas for limited periods, provided that prior approval for such regatta has been obtained from the United States Coast Guard.

§ 56-9. Use of land, equipment and facilities limited.

- A. The use of the land area of the Village of Saddle Rock, including the dock, float and equipment and facilities furnished or maintained for use in connection therewith, shall be limited to a period or periods between the hours of 8:00 a.m. and 8:00 p.m. local time and between May 15 and October 15, and such use shall also be restricted to residents of said village or guests accompanied by a resident of said village.
- B. The use of any equipment or facilities furnished or maintained by the Village of Saddle Rock or located within or intended for use within the area specified in § 56-1 of this Article

shall also be limited to such time or times and under such terms, conditions, fees and charges as may be specified by regulations of the Dock Commission as herein below provided for.

§ 56-10. Dock Commission to make regulations.

- A. The Dock Commission is hereby authorized and directed to make, issue and post such regulations as it deems appropriate within the scope of and in order to facilitate the application of any of the provisions of this Article or any other applicable ordinance of this village, including, without limitation, the use of the docking area and appurtenances, floats and approaches and any other equipment or facilities within its jurisdiction, and to define the terms and conditions for their use, subject in each instance to the approval of the Board of Trustees.
- B. Such regulations as may be promulgated or amended from time to time by the Dock Commission, after being posted in a prominent place within the area affected, shall be enforceable to the extent and in the manner applicable to the relevant provisions in this Article or any other ordinance of this village in effect at that time. All other ordinances of this village at any time in effect, to the extent not in conflict with the provisions of this Article or the regulations issued hereunder, shall also be enforceable within the area described in § 56-1 of this Article, whether or not otherwise made specifically applicable thereto.

§ 56-11. Orders to be obeyed.

All persons within the area specified in § 56-1 of this Article shall obey the orders of any member of the Board of Trustees of the village or of any duly authorized officer or agent of the village, including the members of the Dock Commission, within the scope of any provision of this Article.

§ 56-12. Penalties for offenses.

- A. Any person or boat that violates any provision of this Article may be denied by the Board of Trustees the privilege of using the anchorage. The owner or operator of any boat who violates any provision of this Article shall forfeit and pay a penalty not to exceed \$100 for each offense.
- B. In addition to any other procedure herein provided, the Board of Trustees may maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance or to restrain by injunction any violation or threatened violation of this Article.

ARTICLE II
Dock and Facility Permits
[Adopted 7-9-1984 by L.L. No. 6-1984]

§ 56-13. Purpose.

In order to protect the public safety and health of the residents of the Village of Saddle Rock and

to foster the general interest of its residents in the prudent and equitable use of the lands and facilities of the village and to enhance the enjoyment and pleasure of recreational activities in the village, the use and privilege of using the village dock and dock facilities requires regulation and control by the Board of Trustees of the Village of Saddle Rock. Such regulation and control may be implemented or amended or supplemented from time to time by resolution of the Board of Trustees not inconsistent with the provisions of this Article.

§ 56-14. Permit required.

No person shall be entitled to use, cause to be used or permit to be used the dock or dock facilities of the Village of Saddle Rock in connection with boating or boating purposes without first having obtained a valid permit from the Mayor of the village or such person or persons to whom the Mayor may delegate such authority. Such permits shall be issued only to residents of the village, and each such permit shall expire on December 31 of the year in which it is issued. The Board of Trustees, by resolution, may adopt or amend reasonable regulations, not inconsistent herewith, for the issuance of permits, including the establishment of fees therefor.

§ 56-15. Eligibility for permit.

- A. No permit shall be issued to any person who is not, at the time of issuance, a resident of the Village of Saddle Rock.
- B. No permit shall be granted to any person applying therefor who has not submitted written evidence satisfactory to the permit-issuing official that such applicant has successfully completed a boating safety course offered by the United States Power Squadron, United States Coast Guard Auxiliary or Great Neck Park District or an equivalent course. Upon written application to the Board of Trustees, the Board may waive this educational requirement and authorize the Mayor to issue a permit upon proof satisfactory to the Board that the applicant possesses sufficient experience with boating and boating safety requirements such that completion of a course is not necessary.

§ 56-16. Authority to issue rules and regulations.

The Board of Trustees may delegate its authority to issue reasonable rules and regulations to implement this Article or otherwise to provide for the safe enjoyment of the dock and dock facilities and for the protection of users of such facilities to the Commissioner of Docks appointed by the Mayor with the approval of the Board of Trustees; however, such Commissioner shall report to the Board of Trustees, in writing, within five days after the issuance of any such rule or regulation, and the Board of Trustees may, at any time, amend, repeal or supersede such rule or regulation.

§ 56-17. Revocation or suspension.

- A. Any permit issued pursuant to this Article may be suspended by the Board of Trustees or the Dock Commissioner without prior notice, for a period of no more than 30 days, upon the grounds of recklessness, carelessness, intemperance, incompetence, willful dereliction of duty or willful disobedience of any rule or regulation made or promulgated in connection with the use of the dock or dock facilities. The permit holder shall be given

written notice of such suspension and shall be given an opportunity to appear before the Board of Trustees within such thirty-day period to be heard with respect to such suspension. In the event that such permit holder requests an additional period of time within which to be heard, the suspension shall continue until five days after the permit holder appears to be heard before the Board, unless the Board terminates such suspension at an earlier date.

- B. The Board of Trustees may suspend or revoke any permit issued pursuant to this Article upon the grounds of recklessness, carelessness, intemperance, incompetence, willful dereliction of duty or willful disobedience of any rule or regulation made or promulgated in connection with the use of the dock or dock facilities. No such suspension or revocation shall take place until after the permit holder has been given written notice of an opportunity to be heard before the Board of Trustees with respect to such suspension or revocation.

§ 56-18. Use of facilities by permit holder.

No person holding a valid permit for the use of the dock and/or its facilities shall permit or cause any vessel which is the property of the village or which is owned by or under the control of such permittee to be used, operated or maintained by any person in connection with the dock and/or its facilities unless the permit holder is in control of said vessel or unless such other person is also a permit holder.

§ 56-19. Penalties for offenses.

Any person who uses or permits or suffers the use of the dock and/or its facilities for boating purposes without a permit as provided by this Article, or otherwise in violation of this Article, or any rule or regulation issued hereunder or who violates the provisions of § 56-18 hereof shall be guilty of an offense and shall be punished by a fine not to exceed \$250 for each separate such offense. Each day on which a violation occurs shall be deemed to be a separate offense.