

Appendix B. Harbor Management Law



INCORPORATED VILLAGE OF OCEAN BEACH

HARBOR MANAGEMENT LAW

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ARTICLE I - General Provisions

§ 130-1 Purpose.

- A. The harbor area in the Village of Ocean Beach, on Great South Bay, accommodates waterfront activities, including recreational boating, docking at the Village marina, ferry service, and swimming.
- B. The purpose of this chapter is to establish standards, requirements, and procedures for the operation of vessels and matters relevant to navigation, safety environmental protection, and the use of surface waters and underwater lands in the harbor area of the Village of Ocean Beach.

§ 130-2 Jurisdiction.

- A. This chapter is adopted pursuant to §46-a of the Navigation Law and Chapter 59 of the General Legislation and A168 of the Code of the Village of Ocean Beach, New York
- B. The provisions of this chapter shall apply to all docks, moorings, and waters and their use within the Village of Ocean Beach and to all waters bounding the Village of Ocean Beach to a distance of one thousand five hundred (1,500) feet from the shore.

§ 130-3 Definitions.

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

ANCHOR - To secure a vessel temporarily to the harbor bottom by dropping an anchor or other ground tackle from a vessel.

BOAT - Includes every type and description of watercraft and other mechanical contrivance used on, in or capable of being used as a means of transportation or propulsion or used for buoyancy in or on the water.

CHANNEL - The primary travel-ways for vessels. Moorings (including docking facilities) and anchoring are prohibited in channels in order to insure safe vessel movement.

FAIRWAY - Secondary vessel travel-ways connecting docking facilities to channels. Moorings (including docking facilities) and anchoring are prohibited in fairways. An area in the harbor, other than a designated channel, where structures, moorings or anchorages are not permitted in order to keep an open access way between marine structures or designated channels, buffer areas and mooring areas.

HARBOR - The Village of Ocean Beach harbor management area as defined above under §4.2.2 of the Village of Ocean Beach LWRP.

HARBOR MANAGEMENT CHART – refers to [Map 6](#) as incorporated into the Village of Ocean Beach LWRP and is incorporated herein as Article IV of this Chapter and declared to be a part hereof.

Village of Ocean Beach Local Waterfront Revitalization Program

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - A program as adopted by the Village Board and approved by the Secretary of State and composed of policies, goals, objectives, standards for harbor management.

MARINA - A structure built or maintained for the purpose providing, for monetary gain, a berthing place for four or more vessels or boats.

MARINA PERIMETER - The limits of property ownership, grant, or easement to lands underwater and encompassing all related structures such as docks, bulkheads, breakwaters, pilings, piers, platforms, or moorings as well as travel lanes, and berthing areas, that together function as a marina.

MOOR - To tie a vessel to a mooring.

MOORING - A device with its associated tackle, such as chains, floats, and other equipment manufactured and used specifically for the permanent or semi-permanent securing of a vessel to the harbor bottom. This device typically consists of an anchoring weight (mushroom or other) which is placed on the bottom and is connected to a floating device (i.e., ball) by cables, chains, or lines. Moorings also include stake moorings which are post devices affixed to land that may or may not be regularly submerged.

NAVIGATIONAL AID - A sign, buoy or floating object, buoyant or affixed to land or a structure, and possibly lighted or emitting a sound, that has been installed by a local, State, or Federal agency, or a private entity with the approval of such government agency, for the sole purpose of assisting in the safe operation of a vessel or identifying a way to port or other marine—related destination.

NO WAKE ZONE - An area established within a body of water, whether said body is natural or man-made, wherein water displacement and/or disturbance caused by the movement or operation of a watercraft shall not be permitted and/or is not otherwise lawful.

PERMIT HOLDER - A person or entity granted a permit. **SHORELINE** - The mean high waterline.

SPEED - The rate of movement of a vessel over slack water as measured in statute miles covered per hour.

SWIMMING AREA - A water area set aside for public swimming.

VESSEL (WATERCRAFT) - Any watercraft, including a boat, used or capable of being used as a means of transportation in, over or upon the water including non-displacement craft.

VESSEL OWNER - The person or entity under whose name the vessel was last registered in accordance with the provisions of 46 U.S.C., Chapters 121-125, or the State Vehicle and Traffic Law and in any other case the last known owner or the person who claims lawful possession of such vessel by virtue of legal title or equitable interest therein which entitles them to such possession.

VILLAGE BOARD - The Board of Trustees of the Village of Ocean Beach.

VILLAGE DOCKS AND MOORINGS- All docks and piers under the ownership of and operated by the Village.

WATERCRAFT (VESSEL) - A vessel, including a boat, used or capable of being used as a means of transportation in, over or upon the water including non-displacement craft.

§ 130-4 Harbor Management Committee.

- A. The Village Board of Trustees shall sit as and act as the "Village of Ocean Beach Harbor Management Committee" (the "Committee"). The Committee shall be responsible for representing a range of harbor interests, including but not limited to, navigation and boating safety, commercial operations, recreational marinas, marine infrastructure, and special events and maritime history. The Committee shall meet at least monthly.
- B. Reserved.
- C. The Committee shall maintain records on recreational boating and marinas; navigation and safety; navigational aids; depth of water and dredging needs; marine structure conditions and the need for repair and the ferries; the use of local docks and facilities; and special events in and around the Harbor.
- D. Reserved.
- E. The Committee shall review the Village of Ocean Beach LWRP and this Chapter and recommend revisions as necessary. The Harbor Management Plan shall be reviewed and updated, if necessary, at least once every five (5) years.
- F. The Committee shall act as a mediator in dispute resolution where conflicts may develop between water-dependent and non-water-dependent waterfront uses.

In cases of conflict, the Committee shall seek to resolve disputes to the satisfaction of the parties at hand and meeting the goals and objectives of the adopted LWRP. To commence its review, the Committee must be formally notified by the Village Clerk/Administrator of a particular conflict, with a description of the issue at hand. In handling such cases, the Committee shall examine the sites of the proposed activities and affected areas, current zoning, whether such activities are occurring during the normal course of business, compliance with this and other sections of the Village Code, and prior dispute resolution cases.

- G. The Mayor of the Village shall act as Chairman of the Committee.

§ 130-5 Harbor Management Chart.

The Harbor Management Chart refers to [Map 6](#) as incorporated into the Village of Ocean Beach LWRP and is incorporated herein as Article IV of this Chapter and declared to be a part hereof. The Chart is intended to define the use of the Harbor and identify the pier and bulkhead line, channels, mooring areas, anchorages, fairways, and swimming areas in the Village of Ocean Beach. Said Chart is hereby adopted by the Village Board, incorporated herein as Article IV of this Chapter and declared to be a part hereof. The Village Board may amend the Harbor Management Chart, from time to time, without the necessity of amending any other article, section or provision of this Chapter.

§ 130-6 Operation of vessels.

All vessels operating in the waters of the Village of Ocean Beach are to observe the Federal inland Navigation Rules and Article 4 of the New York State Navigation Law.

§ 130-7 Speed limits.

- A. No boat or vessel propelled other than by hand shall cruise or be operated within 1,500 feet of the southerly shoreline of the Village of Ocean Beach.
- B. No boat or vessel shall moor, cruise or be operated in or on the Great South Bay within 250 feet of the shoreline of the Village of Ocean Beach, in an area formed by projecting the east line of Bungalow Walk on the east and west line of Ocean Road on the west, northerly from the shoreline.
- C. Boats in the Marina shall proceed at all times at the slowest possible speed (and in no event more than 5 mph) and there shall be no wake in the Marina when entering and leaving.

§ 130-8 Wake responsibility.

No person shall operate a vessel in a manner so as to cause the creation of a wake in an area established within a body of water, whether said body of water is natural or man-made. Water displacement and/or disturbance caused by the movement and/or operation of watercraft shall not be permitted and/or is otherwise unlawful.

§ 130-9 Use of vessels as abodes.

No one will be permitted to use a boat for living quarters while in the marina basin.

§ 130-10 Operation near bathers.

- A. No boat or vessel propelled other than by hand shall cruise or be operated within 1,500 feet of the southerly shoreline of the Village of Ocean Beach.
- B. No boat or vessel shall moor, cruise or be operated in or on the Great South Bay within 250 feet of the shoreline of the Village of Ocean Beach, in an area formed by projecting the east line of Bungalow Walk on the east and the west line of Ocean Road on the west, northerly from the shoreline.
- C. It is the policy of the Village Board of Trustees of Ocean Beach to regulate the wakes of ships, boats, watercraft, and water vessels within the Incorporated Village of Ocean Beach or along the shoreline thereof or within 1,500 feet of the shoreline thereof or anyplace in the water above where the bay bottom is owned and/or leased by the Village and in order to avoid to avoid the abuse of waterside village facilities, the preservation of which is necessary for the well-being of the Village inhabitants.

§ 130-11 Water skiing.

- A. No person shall, within 300 feet of the northerly shoreline of the Village of Ocean Beach, operate a boat or vessel for towing a person on water skis, a surfboard or similar device.
- B. No person shall, within 300 feet of the northerly shoreline of the Village of Ocean Beach, ride on water skis, a surfboard or similar device.
- C. No person shall ride on water skis, a surfboard or similar device or use or operate a boat or vessel to tow a person thereon within the waterways of the Great South Bay adjoining the Village of Ocean Beach or within 150 feet of any public place or semi public bathing beach or public dock or within 50 feet of any swimmer or bather, nor shall any such person engage in such activities come within 300 feet of the northerly shoreline of the Village of Ocean Beach.
- D. No person shall swim, bathe, or use or operate a surfboard or similar device in any waters in the Village of Ocean Beach or within 1,500 feet of the shoreline of the Village of Ocean Beach in any area where a lifeguard is not on duty.

§ 130-12 Swimming / Underwater devices

- A. No person shall swim in the waters located within one thousand five hundred (1,500) feet south of the Village of Ocean Beach, except in areas as may be designated and patrolled by on-duty lifeguards.
- B. No person shall utilize any snorkel or other underwater breathing device while swimming in any of the waters in the Village of Ocean Beach or within 300 feet of any shoreline of the village.

§ 130-13 Operation of aircraft.

No person shall take off or land any aircraft within the Harbor of the Village of Ocean Beach, as defined in Section 4.4.4 of the Village's LWRP

§ 130-14 Marina Rules and Regulations

The following rules and regulations shall apply to the Ocean Beach Marina.

- A. Berth fees will not be refunded once a permit is issued. (In the event of a revocation of a permit by the Village, the paid fee shall be considered the fee for the period space was assigned.)
- B. No refuse, cans, bottles or material of any other kind shall be thrown overboard and the toilet flushed or discharged in the Marina.
- C. No oil or gasoline shall be pumped out of the bilges or discharged into water of the Marina.
- D. No one will be permitted to use a boat for living quarters while in the Marina Basin.
- E. No person shall place or keep any boat, rigging or material of any kind upon the bulkhead, bulkhead walk or upon the property of the village adjacent to the Marina.

- F. Boats shall be properly and safely tied so as to prevent damage to bulkheads and adjacent boats. Extra care and precautions should be taken in the event of a forecast of high winds and storms.
- G. Boats in the Marina shall proceed at all times at the slowest possible speed (and in no event more than 5 mph) and there shall be no wake in the Marina when entering and leaving.
- H. Space may not be sublet or assigned or used by any person other than the applicant.
- I. Resident property owners in the Village of Ocean Beach shall have priority in the issuance of permits.
- J. Applications for space must be accompanied by a fee as per schedule. Check or money order should be payable to the Village of Ocean Beach.
- K. The boat owner shall affix to the boat, in a conspicuous place, the numbers supplied by the village to indicate the berth assigned.

§ 130-15 Mooring at Village Property

No boat shall moor, tie up or dock at, land at or enter into any boat basins, bulkheads or piers or upon any other properties owned or operated by the Incorporated Village of Ocean Beach adjoining or in the waters of the Great South Bay, except with the consent of the Board of Trustees of said village or in accordance with any other local law of the Incorporated Village of Ocean Beach. Any such consent shall be subject to all pertinent rules and regulations promulgated by the Board of Trustees. Such consent may be revoked by the Board of Trustees upon failure of any person to comply therein. Upon such revocation or consent, the boat shall be removed immediately from the boat basin, bulkheads, piers or other properties.

§ 130-16 Dumping in Waters Prohibited

The dumping or discharging of oil, refuse, garbage, paper or waste of any kind in the waters adjoining the shorelines of the Village of Ocean Beach to a distance of 1,500 feet is prohibited.

ARTICLE II - Enforcement, Violations and Penalties

§ 130-17 Enforcing authority.

- A. The Village of Ocean Beach Police Department is empowered to enforce the provisions of this chapter. Every person in charge of a vessel must at all times obey the lawful orders of a police officer.
- B. The Village Clerk/Administrator is empowered to issue application and permit forms. The Village Board is authorized to promulgate standards, rules, regulations and information as may be necessary for the administration of this chapter.

§ 130-18 Violations

- A. It shall be a violation of this Chapter for any person to refuse to move or stop on oral command or order of the police officers and exercising the duties lawfully assigned to them.
- B. Owners shall be responsible for their own conduct and that of their vessel, and failure to abide by the laws or unseaman-like conduct of master or crew may result in the immediate suspension of the permit, in the discretion of the police officer.
- C. No person shall tie to or berth a vessel at a Village-operated dock or bulkhead unless the determined user fee has been paid to the Village for use and occupancy of such space by such vessel. Any person who fails to move such vessel when ordered by the police, or any lawful enforcing authority, shall be in violation of this Chapter and subject to its penalties. Each day that the violation continues shall constitute a separate additional violation.
- D. Violations shall subject the violator to the penalties imposed herein this Chapter. Said penalties shall include but are not limited to immediate revocation of permit, fine or imprisonment.

§ 130-19 Penalties for offenses.

In addition to or as may be limited by the laws of the State of New York, a violation of any provision of this chapter shall be punishable by immediate revocation of any applicable permit. In addition to or as may be limited by the laws of the State of New York, a violation of any provision of this chapter shall be punishable by not more than fifteen (15) days incarceration or a fine of two hundred fifty dollars (\$250.) for each violation. Each day of violation shall be deemed a new violation and shall be treated accordingly.

ARTICLE III – Severability

§ 130-20 Severability.

The provisions of this chapter are hereby declared to be severable and, if any section, sentence, clause or phrase hereof shall for any reason be held to be invalid, ineffective, in conflict with regulations of the Federal or State authorities or unconstitutional, such decision shall not affect the validity of the remaining portions hereof, but such portions shall remain in full force and effect.

ARTICLE IV - Harbor Management Chart

§ 130-21 Harbor Management Chart

The Harbor Management Chart refers to [Map 6](#) as incorporated into the Village of Ocean Beach LWRP and is incorporated herein as Article IV of this Chapter and declared to be a part hereof. The Chart is intended to define the use of the Harbor and identify the pier and bulkhead line, channels, mooring areas, anchorages, fairways, and swimming areas in the Village of Ocean Beach. Said Chart is hereby adopted by the Village Board, incorporated herein as Article IV of this Chapter and declared to be a part

Village of Ocean Beach Local Waterfront Revitalization Program

hereof. The Village Board may amend the Harbor Management Chart, from time to time, without the necessity of amending any other article, section or provision of this Chapter.

UPON MOTION MADE BY Tr. **MALLOTT**, SECONDED BY Tr. EINIG

The foregoing RESOLUTION WAS X ADOPTED
 DEFEATED
 TABLED

Upon the following roll call vote of the members of the Board of Trustees:

Member	Absent	Aye	Nay	Abstain
Trustee Wingate	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Trustee Mallott	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Trustee Einig	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Trustee Klein	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Mayor Loeffler	<u> </u>	<u> X </u>	<u> </u>	<u> </u>

ATTEST: _____
 Village Administrator/Clerk-Treasurer