

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
OCT 17 2003

MISCELLANEOUS
& STATE RECORDS

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Riverhead

Local Law No. 18 of the year 2003

A local law AMENDS RESOLUTION #1027 of 2003 (ADOPTS A LOCAL LAW AMENDING CHAPTER
(Insert Title)

47 ENTITLED "BAYS AND CREEKS" OF THE RIVERHEAD TOWN CODE)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Riverhead

as follows:

SEE ATTACHED:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 18 of 20⁰³ of the ~~(County)(City)(Town)(Village)~~ of Riverhead was duly passed by the Town Board on October 7, 20⁰³, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Barbara Stanton

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 10, 2003

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Suffolk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]

Signature

Town Attorney

Title

~~County~~
 ~~City~~ of Riverhead
Town
~~Village~~

Date: October 10, 2003

CHAPTER 47: BAYS AND CREEKS

§ 47-21. Docks, basins and ramps.

A. No dock, basin or ramp owned, controlled or operated by the Conservation Advisory Council shall be used by persons other than residents of the Town of Riverhead.

B. No person shall place any obstructions or place, pile or store any nets, boxes, bait cars or fishing equipment or gear whatsoever upon any dock, wharf or pier or highway owned, controlled or operated by the Conservation Advisory Council.

C. It shall be the policy of the Town of Riverhead that all moorings, docks and appurtenant structures shall be designed, constructed, and located so as to reduce potential adverse impacts to natural resources and habitats, navigation, public safety, waterway congestion, and access to public lands and water.

D. The standards for a residential dock shall be as follows:

1. In no case shall the length of the dock exceed one hundred fifty (150) feet in length or exceed fifteen percent (15%) of the width of the waterway, whichever meets the minimum three (3) foot low water depth;
2. Only one dock may be constructed on a residential lot that has a riparian right. A waiver to this provision may be granted where a single dock is proposed for the common use by a maximum of three (3) adjacent property owners;
3. A residential dock and associated mooring piles must be configured so that no more than three (3) vessel berths are created for each residential lot with riparian rights;
4. The dock and any appurtenant structure, or any vessel tied to the dock, may not be located within or impinge upon that area located within ten (10) feet of the seaward extension of any property line;
5. The width of a catwalk or dock may not exceed four (4) feet and must be elevated a minimum of four feet above the mean high water mark and a minimum of four feet above grade when traversing any tidal or freshwater wetlands as identified by the Wetland Inventory Maps for the Town of Riverhead or those freshwater or tidal wetlands identified on maps prepared for the New York State Department of Environmental Conservation;
6. The width of any single float may not exceed six (6) feet in width nor twenty (20) feet in length and shall be secured or installed in such a manner that the float shall not rest on the bottom of the water body at any time during the tidal cycle.

E. The standards for commercial docks shall be as follows:

1. In no case shall the dock length, excluding that portion landward of the apparent mean high water mark, be in excess of one hundred fifty (150) feet nor exceed thirty percent (30%) of the width of the waterway, whichever is less;
2. The width of a catwalk or dock may not exceed eight (8) feet and must be elevated minimum of four(4) feet above grade when traversing any tidal or freshwater wetlands;
3. The width of any single float may not exceed eight (8) feet in width and shall be secured or installed in such a manner that the float shall not rest on the bottom of the water body at any time during the tidal cycle;
4. All commercial docking facilities which provide fuel to vessels must also provide pump-out facilities for vessel sanitary waste;
5. A permit for the commercial operation of docking facilities must be applied for on an annual basis. The fee for this permit shall be ten dollars (\$10) per berth, with a minimum fee for this permit of fifty dollars (\$50) and a maximum fee of two hundred dollars (\$200).
6. A certificate of insurance indicating a minimum liability coverage of one mullion dollars (\$1,000,000) must be placed on file with the Town each year of operation.

F. Safety requirements for private and commercial docks.

1. All electrical installation must comply with the National Electric Code (NEC) and must be inspected and approved by a representative of the Town of Riverhead Building department;
2. An appropriate fire extinguisher must be permanently affixed to the dock during the boating season and located within seventy five (75) feet of any boat;
3. The storage of fuel on a dock is prohibited;
4. A permit issued by the fire marshall or by the bay constable is required for the purpose of mobile fueling of a vessel. This permit shall specify the date and the time when the fueling is to be scheduled.

G. No boat mooring or dock shall be located within the lines of any navigation channel, be located within fifty (50) feet of any channel marker or so as to interfere with the full use of such channel, nor shall any mooring or dock be located within one hundred (100) feet of any municipal dock.

H. The disturbance of natural vegetation and topography during construction activities shall be minimized to the greatest degree possible. To this end, project- limiting fencing, siltation mesh, straw bales or similar devices for controlling land disturbances and retarding erosion and siltation shall be required during construction and during any clearing or grading of land preparatory associated with construction activities.

I. No permit from the Conservation Advisory Council which is required for projects or activities in tidal waters shall allow the use of wood which has been treated with commercial copper quat (ACQ) pentachlorophenol, or creosote. Wood treated with copper chromated arsenate (CCA) may be used for pilings. All planking and framing must be constructed of material alternative to CCA treated wood.

J. Dock floatation billets must be constructed of durable and acceptable material.

K. The Town shall have the right to seek removal of any dock or mooring which has been constructed or placed without a permit or is in violation of the standards and/or restrictions set forth in this section.

L. In considering the issue of a permit by the Conservation Advisory Council, the following impacts shall be weighed:

1. the effects upon safe navigation:
2. the potential for interference with public use of waterways for swimming, boating, fishing, shellfishing, waterskiing and the like;
3. the potential for interference with transit by the public along the beaches or foreshore:
4. whether or not the structure will significantly impair the use or value of waterfront property adjacent or near to the dock.;
5. the potential for degradation of surface water quality:
6. the potential for destruction of beds of eel grass (*Zostera marina*) or shellfish:

7. the potential for unduly restricting tidal flow or water circulation;
and

8. the possibility of despoiling views from public parklands or
roadways.

M. Any dock which received a DEC permit prior to the filing of the
Local Law amending this Chapter shall be grandfathered from the
provisions herein.