

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

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(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
FEB 10 2003

County
City of Shelter Island
Town
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. 3 of the year 2003

A local law ENTITLED AMENDMENTS TO CHAPTER 53, DOCKS, RE PERMIT PROCEDURES
(Insert Title)

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

COUNTY
City of Shelter Island as follows:
Town
Village

Section 1. Amend Chapter 53 of the Shelter Island Town Code, titled "Docks" as follows:
Section 53-9 shall be amended as follows:

§53-9. Permits.

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 exceeds \$3,000.00.
- (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. The dock permit shall be issued by the Town Board and will be valid for a period of twelve (12) months from the date of issuance.

C. A permit may be extended by resolution of the Town Board for an additional period of six (6) months without a public hearing, provided that the request for same is submitted no later than thirty (30) days prior to the expiration date.

D. 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.

E. 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.

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

(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 loss, 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) A statement signed by the owner that, prior to the issuance of a permit, the owner shall furnish to the Town Clerk the following proof of insurance in force:

(a) From the owner, a certificate of insurance for at least \$300,000.00 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 \$500,000.00 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.

F. 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.

Section 2. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

(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. 3 of 2003 of the ~~(County)(City)~~(Town)(Village) of Shelter Island was duly passed by the Town Board on Jan. 31 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.

Brooklyn S. Ogan

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

(Seal)

Date: January 31, 2003

(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.

Lawrence J. ...

Signature

Town Attorney

Title

County: _____
City: _____ of Shelter Island
Town: _____
Village: _____

Date: January 31, 2003