

Local Law Filing

(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.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Riverhead

FILED
STATE RECORDS

APR 18 2016

Local Law No. 11 of the year 2016

DEPARTMENT OF STATE

A local law Amending Chapter A113 Entitled "Docking Facility Regulations" of the Riverhead

(Insert Title)

Town Code

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Riverhead

as follows:

Adopts a local law amending Chapter A113 entitled "Docking Facility Regulations" of the Riverhead Town Code

(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. 11 of 2016 of
the ~~(County)(City)(Town)(Village)~~ of Riverhead was duly passed by the
Town Board on April 5 2016, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on 20 , in accordance with the applicable provisions of law.

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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer*)

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.

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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer*)
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.

* 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.

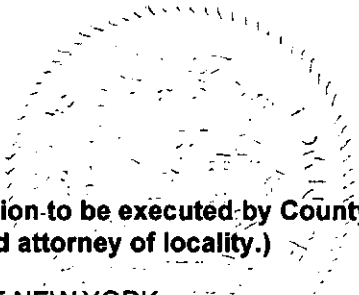
6. (County local law concerning adoption of Charter.)

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 1____ above.

(Seal)



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

Date: April 11, 2016

(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

Title

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

Date: April 11, 2016

TOWN OF RIVERHEAD

Resolution # 225

**ADOPTS A LOCAL LAW AMENDING CHAPTER A113 ENTITLED
"DOCKING FACILITY REGULATIONS" OF THE RIVERHEAD TOWN CODE**

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter A113 entitled "Docking Facility Regulations" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 15th day of March 2016 at 7:00 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter A113 entitled "Docking Facility Regulations" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review, the official newspaper, and to post same on the signboard at Town Hall; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

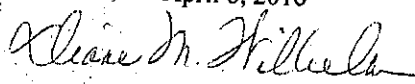
THE VOTE

Hubbard ☒ Yes ☐ No Giglio ☒ Yes ☐ No
Wooten ☒ Yes ☐ No Dunleavy ☒ Yes ☐ No
Walter ☒ Yes ☐ No

State of New York
County of Suffolk } ss.:
Town of Riverhead

This is to certify that I, the undersigned, Town Clerk of the Town of Riverhead, County of Suffolk, State of New York, have compared the foregoing copy of a Resolution with the original now on file in this office and which was duly adopted on April 5, 2016 and that the same is a true and correct transcript of said Resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Town of Riverhead, on April 6, 2016


_____, Town Clerk

TOWN OF RIVERHEAD NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter A113 entitled "Docking Facility Regulations", of the Riverhead Town Code at its meeting held on April 5, 2016. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter A113. Docking Facility Regulations

§ A113-1. General provisions.

~~B. The "East Creek Docking Facility" shall be defined as the dockage located adjacent to the Town Beach at East Creek, Jamesport.~~

~~C. The East Creek Boat Launching Facility Docks off Peconic Bay Boulevard, Jamesport, shall be defined as the floating docks, bulkheads, and the pump-out station adjacent to the launch ramps and the floating dock and associated bulkheads at the north side of the facility.~~

~~D. All motor vehicles parked in the parking lot of the East Creek Docking Facility or the East Creek Boat Launching Facility in Jamesport must have a Riverhead parking permit sticker.~~

~~E. All vessels docked at the East Creek Docking Facility in Jamesport must have a Riverhead docking permit sticker affixed to their vessel.~~

B. The "East Creek Docking Facility" (also known and referred to as the East Creek Marina) shall be defined as the dockage located adjacent to the Town Beach at East Creek, Jamesport (also known and referred to as South Jamesport Beach).

C. The East Creek Boat Launching Facility Docks (also known and referred to as East Creek Boat Launch Facility and South Jamesport Boat Ramp) located off Peconic Bay Boulevard, South Jamesport, shall be defined as the boat ramp, floating docks, bulkheads, and the pump-out station adjacent to the launch ramps.

§ A113-2. License required; regulations; fees. Docking permits.

~~A. All residents and nonresidents must have a license and/or docking permit to dock at any Town docking facility.~~

~~B. Transient docking is permitted only at the Riverfront Docking Facility and the East Creek Boat Launching Facility.~~

~~C. Seasonal docking is permitted only at the East Creek Docking Facility to boaters who have obtained a Riverhead docking license from the Recreation Department.~~

~~D. The Town Clerk shall be authorized to collect all transient docking fees and distribute the docking permit sticker.~~

~~E. The Recreation Department shall be authorized to collect all fees and distribute permits in accordance with an approved docking license.~~

~~F. No license shall be issued to anyone under the age of 18.~~

~~G. Licenses and permits are nontransferable.~~

~~H. The East Creek Docking Facility season shall be from April 1 to November 15.~~

~~I. No transient vessel shall be permitted to dock overnight without prior approval from the Recreation Department. (See Chapter 56, Docks and Wharves).~~

~~J. The Town Board shall establish fees each year for seasonal docking.~~

~~K. All vessels docked at Town facilities shall comply with Riverhead Town Code Chapters 48 and 106, and all applicable U.S. Coast Guard rules and regulations, including inspections, if any.~~

A. A permit is not required for short term transient docking (short term transient docking shall be no longer than three hours) between the hours of 6:00 a.m. and 9:00 p.m., or as otherwise established by resolution of the Town Board, at the Riverfront Docking Facility. All residents and non-residents must obtain a permit from the Town of Riverhead Recreation Department for transient daily (more than three hours) and overnight docking. Note, the Town of Riverhead reserves the right to limit the period of time any vessel remains docked at the Riverfront Docking Facility.

B.

(1) A permit is required to use the launch/ramp at East Creek Boat Launch Facility. The boat launch permit must be affixed to the vessel.

(2) A permit is not required for short term transient docking (short term transient docking shall be no longer than three hours) between the hours of 6:00 a.m. and 9:00 p.m., or as otherwise established by resolution of the Town Board, at the East Creek Boat Launch Facility (i.e. a tie-up along the bulkhead after launching vessel with boat launch permit affixed to vessel). All residents and non-residents must obtain a permit from the Town of Riverhead Recreation Department for transient daily (more than three hours) and overnight docking. Note, the Town of Riverhead reserves the right to limit the period of time any vessel remains docked at the East Creek Boat Launch Facility.

C. All residents must obtain an East Creek Docking Facility seasonal docking permit to dock any vessel at the East Creek Docking Facility and the seasonal docking permit must be affixed to the vessel.

D. All residents and non-residents seeking a permit as described above (A113-2 (A) (B)(1)(2) and (C) must be 18 years or older to be eligible to obtain a permit to use the docking or ramp facilities described above.

E. A permit, be it a boat launch permit, transient docking, seasonal docking or seasonal parking permit, is not transferable and must be affixed to the vessel or vehicle. A permit may not be duplicated or copied and any such duplication or copy of a permit shall be deemed invalid and all penalty provisions of this Chapter shall apply to any vehicle or vessel in violation of the permit requirements.

F. All vessels docked at Town facilities shall comply with Riverhead Town Code Chapters 48, 64 and 106, all applicable U.S. Coast Guard rules and regulations, including inspections (if any) and, to the extent applicable, Town of Riverhead Docking Agreement.

~~§ A113-3. Waste and debris.~~

~~No owner or other person in charge of any boat, vessel or other watercraft shall empty, clean out, pump out or otherwise discharge water or waste material from the bilge holding tank(s) or toilets thereof into the waters.~~

§ A113-3. Vehicle Parking.

A. Parking at Riverfront Docking Facility

All motor vehicles parking in the vicinity of the Riverfront Docking Facility, including Riverfront Drive, McDermott Avenue, and parking lot areas shall not require a seasonal parking permit however all motor vehicles shall adhere to all parking restrictions and regulations set forth in Chapter 101.

B. Parking at East Creek Boat Launch Facility

All motor vehicles parked in the parking lot of the East Creek Boat Launch Facility (also known and referred to as the South Jamesport Boat Ramp) must have a seasonal parking permit issued by the Town of Riverhead Recreation Department as set forth in Chapter 48.

C. Parking at East Creek Docking Facility

All motor vehicles parked in the parking lot of the East Creek Docking Facility must have a seasonal "East Creek Docking Facility" parking permit issued by the Town of Riverhead Recreation Department. Note, each holder of an East Creek Docking Facility seasonal docking permit shall be issued one East Creek Docking Facility parking permit and may obtain one guest seasonal parking permit for an additional fee. The East Creek Docking seasonal parking permit and guest permit is only valid for parking within that portion of East Creek Town Beach located in South Jamesport segregated as and for parking associated with the East Creek Docking Facility and a seasonal parking permit shall be required for parking of motor vehicles in all other areas designated as a parking-by permit only, including the parking area for the East Creek Town Beach as set forth in Chapter 48.

~~§ A113-4. Rights of Town Board.~~

~~A. The Town Board or its representative can ask any vessel to leave the dock if that vessel is causing damage to persons or property.~~

~~B. Any representative of the Town Board shall have the right to board any boat in order to secure it or prevent it from bumping into or scraping other boats moored at any Town docking facility.~~

§ A113-4 Fees for transient docking, seasonal docking and seasonal parking permits.

A. The Town Board shall establish fees each year for transient docking, seasonal docking and seasonal parking for residents and non-residents.

B. The Recreation Department shall be authorized to collect all fees and distribute permits in accordance with an approved transient and seasonal docking permit and seasonal parking permit. The Town Board, by resolution, shall establish the period of time the seasonal permit, be it docking or parking, shall be valid for during the year such permit is issued.

§ A113-5. Mooring; tying; owner responsibility.

A. Dinghies, rowboats, floats or any small craft, capable of being stored on a vessel and less than 12' in length, which are usually tied to the stern of a larger boat, are not permitted, except when firmly secured to the upper deck of the accompanying boat or placed in the davits, typically used to support, raise and lower which are usually provided for on such boats. Dinghies, rowboats, floats or any small craft shall never be permitted to be located on the dock or at any boat slip overnight. Notwithstanding the above, the Town of Riverhead reserves the right to issue permits for overnight docking for such boats and all provisions of § A113-2 shall be made applicable to such permit.

B. License holders are responsible for the appearance of the boat and docks in front of or adjacent to their berth. Any damage to the docks, pilings, bulkhead or neighboring boats is the boat owner's responsibility.

§ A113-6. Prohibited acts.

A. Swimming is prohibited in the waters surrounding all Town docking facilities.

B. No boat shall be operated at a speed greater than five miles per hour nor create a dangerous wake at any Town docking facility pursuant to § 106-8C.

C. No unleashed animals are permitted at any Town Docking Facility. No owner or other person in charge of any boat, vessel or other watercraft shall empty, clean out, pump out or otherwise discharge water or waste material from the bilge holding tank(s) or toilets thereof into the waters.

D. No unleashed animals are permitted at any Town Docking facility. All owners and/or custodians shall be required to keep the animal on a leash and restrained not more than six feet in length from the owner or custodian at all times and shall not permit the animal

to defecate or urinate in the vicinity of other persons. If an animal defecates the owner shall immediately collect the feces and remove it.

§ A113-8. Penalties for offenses.

A. All boats docked at a Town dock without a permit issued by the Town of Riverhead and/or in violation of the provisions of this Chapter or Chapter 56. A will be fined \$10 per foot per day. The length of boat will be determined by the registration documents issued by the New York State Department of Motor Vehicles, such other governmental agency authorized to issue registration documents for the vessel or by measurement. ~~Boats at the docking facilities without a Riverhead Town license and/or permits will be fined \$10 per foot per day. Boats docked without a license and/or permits for more than a week may be removed/impounded at the owner's expense. and the owner shall be responsible for all costs related to removal/impoundment and any and all other costs, including storage.~~

B. ~~Vehicles that launch boats at the Town boat launch ramp without a parking permit will be fined \$100 per occurrence. Any individual who launches a boat at the East Creek Boat Launch Facility without a boat launch permit will be fined \$100 per occurrence.~~

C. ~~The Town Board can revoke the license or permit of any person for any violation of these rules. Any person(s) failing to affix a permit to the vessel or vehicle as set forth in A113-2, with the exception of a guest parking permit, shall be fined \$100.00 per occurrence/day and \$100.00 per day for each day that said vessel or vehicle continues to remain at dock and/or parking facility without the proper permit affixed to the vessel or vehicle.~~

D. Except as set forth in A113.8(a)(b)(c) or as otherwise set forth in Chapter 48, 64, 106 or in the Town of Riverhead Docking Agreement, any person violating any provisions of this Chapter shall be fined \$100.00 per day.

Overstrike represents deletion(s)
Underscore represents addition(s)

Dated: Riverhead, New York
April 5, 2016

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, TOWN CLERK

Chapter A113. Docking Facility Regulations

§ A113-1. General provisions.

B. The "East Creek Docking Facility" (also known and referred to as the East Creek Marina) shall be defined as the dockage located adjacent to the Town Beach at East Creek, Jamesport (also known and referred to as South Jamesport Beach).

C. The East Creek Boat Launching Facility Docks (also known and referred to as East Creek Boat Launch Facility and South Jamesport Boat Ramp) located off Peconic Bay Boulevard, South Jamesport, shall be defined as the boat ramp, floating docks, bulkheads, and the pump-out station adjacent to the launch ramps.

§ A113-2. Docking permits.

A. A permit is not required for short term transient docking (short term transient docking shall be no longer than three hours) between the hours of 6:00 a.m. and 9:00 p.m., or as otherwise established by resolution of the Town Board, at the Riverfront Docking Facility. All residents and non-residents must obtain a permit from the Town of Riverhead Recreation Department for transient daily (more than three hours) and overnight docking. Note, the Town of Riverhead reserves the right to limit the period of time any vessel remains docked at the Riverfront Docking Facility.

B.

(1) A permit is required to use the launch/ramp at East Creek Boat Launch Facility. The boat launch permit must be affixed to the vessel.

(2) A permit is not required for short term transient docking (short term transient docking shall be no longer than three hours) between the hours of 6:00 a.m. and 9:00 p.m., or as otherwise established by resolution of the Town Board, at the East Creek Boat Launch Facility (i.e. a tie-up along the bulkhead after launching vessel with boat launch permit affixed to vessel). All residents and non-residents must obtain a permit from the Town of Riverhead Recreation Department for transient daily (more than three hours) and overnight docking. Note, the Town of Riverhead reserves the right to limit the period of time any vessel remains docked at the East Creek Boat Launch Facility.

C. All residents must obtain an East Creek Docking Facility seasonal docking permit to dock any vessel at the East Creek Docking Facility and the seasonal docking permit must be affixed to the vessel.

D. All residents and non-residents seeking a permit as described above (A113-2 (A) (B)(1)(2) and (C)) must be 18 years or older to be eligible to obtain a permit to use the docking or ramp facilities described above.

E. A permit, be it a boat launch permit, transient docking, seasonal docking or seasonal parking permit, is not transferable and must be affixed to the vessel or vehicle. A permit may not be duplicated or copied and any such duplication or copy of a permit shall be deemed invalid and all penalty provisions of this Chapter shall apply to any vehicle or vessel in violation of the permit requirements.

F. All vessels docked at Town facilities shall comply with Riverhead Town Code Chapters 48, 64 and 106, all applicable U.S. Coast Guard rules and regulations, including inspections (if any) and, to the extent applicable, Town of Riverhead Docking Agreement.

§ A113-3. Vehicle Parking.

A. Parking at Riverfront Docking Facility

All motor vehicles parking in the vicinity of the Riverfront Docking Facility, including Riverfront Drive, McDermott Avenue, and parking lot areas shall not require a seasonal parking permit however all motor vehicles shall adhere to all parking restrictions and regulations set forth in Chapter 101.

B. Parking at East Creek Boat Launch Facility

All motor vehicles parked in the parking lot of the East Creek Boat Launch Facility (also known and referred to as the South Jamesport Boat Ramp) must have a seasonal parking permit issued by the Town of Riverhead Recreation Department as set forth in Chapter 48.

C. Parking at East Creek Docking Facility

All motor vehicles parked in the parking lot of the East Creek Docking Facility must have a seasonal "East Creek Docking Facility" parking permit issued by the Town of Riverhead Recreation Department. Note, each holder of an East Creek Docking Facility seasonal docking permit shall be issued one East Creek Docking Facility parking permit and may obtain one guest seasonal parking permit for an additional fee. The East Creek Docking seasonal parking permit and guest permit is only valid for parking within that portion of East Creek Town Beach located in South Jamesport segregated as and for parking associated with the East Creek Docking Facility and a seasonal parking permit shall be required for parking of motor vehicles in all other areas designated as a parking-by permit only, including the parking area for the East Creek Town Beach as set forth in Chapter 48.

§ A113-4 Fees for transient docking, seasonal docking and seasonal parking permits.

A. The Town Board shall establish fees each year for transient docking, seasonal docking and seasonal parking for residents and non-residents.

B. The Recreation Department shall be authorized to collect all fees and distribute permits in accordance with an approved transient and seasonal docking permit and seasonal parking permit. The Town Board, by resolution, shall establish the period of time the seasonal permit, be it docking or parking, shall be valid for during the year such permit is issued.

§ A113-5. Mooring; tying; owner responsibility.

A. Dinghies, rowboats, floats or any small craft capable of being stored on a vessel and less than 12' in length, which are usually tied to the stern of a larger boat, are permitted when firmly secured to the upper deck of the accompanying boat or placed in the davits typically used to support, raise and lower such boats. Dinghies, rowboats, floats or any small craft shall never be permitted to be located on the dock or at any boat slip overnight. Notwithstanding the above, the Town of Riverhead reserves the right to issue permits for overnight docking for such boats and all provisions of § A113-2 shall be made applicable to such permit.

B. License holders are responsible for the appearance of the boat and docks in front of or adjacent to their berth. Any damage to the docks, pilings, bulkhead or neighboring boats is the boat owner's responsibility.

§ A113-6. Prohibited acts.

A. Swimming is prohibited in the waters surrounding all Town docking facilities.

B. No boat shall be operated at a speed greater than five miles per hour nor create a dangerous wake at any Town docking facility pursuant to § 106-8C.

C. No owner or other person in charge of any boat, vessel or other watercraft shall empty, clean out, pump out or otherwise discharge water or waste material from the bilge holding tank(s) or toilets thereof into the waters.

D. No unleashed animals are permitted at any Town Docking facility. All owners and/or custodians shall be required to keep the animal on a leash and restrained not more than six feet in length from the owner or custodian at all times and shall not permit the animal to defecate or urinate in the vicinity of other persons. If an animal defecates the owner shall immediately collect the feces and remove it.

§ A113-8. Penalties for offenses.

A. All boats docked at a Town dock without a permit issued by the Town of Riverhead and/or in violation of the provisions of this Chapter or Chapter 56. A will be fined \$10 per foot per day. The length of boat will be determined by the registration documents issued by the New York State Department of Motor Vehicles, such other governmental agency authorized to issue registration documents for the vessel or by measurement. Boats docked without a permit for more than a week may be removed/impounded and the

owner shall be responsible for all costs related to removal/impoundment and any and all other costs, including storage.

B. Any individual who launches a boat at the East Creek Boat Launch Facility without a boat launch permit will be fined \$100 per occurrence.

C. Any person(s) failing to affix a permit to the vessel or vehicle as set forth in A113-2, with the exception of a guest parking permit, shall be fined \$100.00 per occurrence/day and \$100.00 per day for each day that said vessel or vehicle continues to remain at dock and/or parking facility without the proper permit affixed to the vessel or vehicle.

D. Except as set forth in A113.8(a)(b)(c) or as otherwise set forth in Chapter 48, 64, 106 or in the Town of Riverhead Docking Agreement, any person violating any provisions of this Chapter shall be fined \$100.00 per day.