

APPENDIX C

Code of the Village of Patchogue
Chapter 91: Waterways and Watercraft

Chapter 91: WATERWAYS AND WATERCRAFT

[HISTORY: Adopted by the Board of Trustees of the Village of Patchogue: Article I, 3-28-1960 as Ord. No. 9.1 of the Unified Code of Ordinances of 1960; Article II, 3-28-1960 as Ord. No. 9.2 of the Unified Code of Ordinances of 1960; Article III, 12-23-1968 as Ord. No. 9.3; Article IV, 4-13-1987 as L.L. No. 4, 1987; Article V, 2-13-1990 as L.L. No. 1, 1990. Amendments noted where applicable.]

GENERAL REFERENCES

Housing standards — See Ch. 55.

Licenses and permits — See Ch. 59.

Zoning — See Ch. 93.

ARTICLE I Docks [Adopted 3-28-60 as Ord. No. 9.1]

§ 91-1. Permit required for use. [Amended 6-9-86 by L.L. No. 11, 1986]

Except as hereinafter provided, no person shall use any dock owned and maintained by the Village of Patchogue except by permit from the Board of Trustees and subject to such rules in regard to use thereof as the Board of Trustees may establish from time to time.

§ 91-2. (Reserved) *Editor's Note: Former § 91-2. Fishing restricted, was repealed 6-9-86 by L.L. No. 11, 1986.*

§ 91-3. Littering prohibited.

No person using said dock shall at any time throw or leave on said dock or litter same with wastepaper, bags, discarded fish or crab bait, refuse or other discarded or waste materials or substances, but each person using said dock shall keep said dock clean and free from such materials or substance and take same away when leaving said dock or deposit same in receptacles, if any, provided for that purpose.

§ 91-3.1. Mascot Dock use; penalties. [Added 6-9-1986 by L.L. No. 11, 1986]

- A. No person shall use the village-owned dock at the foot of South Ocean Avenue, known as the "Mascot Dock," nor shall any person drive or park any vehicle thereon, except as permitted according to the following hours of operation and subject to such rules in regard thereof as the Board of Trustees may establish from time to time:
- (1) 6:00 a.m. to 6:00 p.m.: open to village residents and nonresidents alike.
 - (2) 6:00 p.m. to 12:00 midnight: open to village residents, village employees, members of the Patchogue Fire Department and members of the Patchogue Fire Department Ambulance Company only, by permit issued upon application to the Village Clerk on forms provided for that purpose.
 - (3) 12:00 midnight to 6:00 a.m.: closed to all persons.
- B. Such permits shall be nontransferable and shall become invalid when the vehicle to which it is affixed is sold or transferred to any other person or when the permit holder is no longer a resident of the Village of Patchogue.
- C. No vehicle shall travel in excess of five miles per hour.
- D. Any violation of this section shall be punished in accordance with the provisions set forth at § 1-9 of this Code. [Amended 9-9-1996 by L.L. No. 19, 1996]

ARTICLE II Operation of Watercraft [Adopted 3-28-1960 as Ord. No. 9.2]

§ 91-4. Scope.

The regulations established by this ordinance shall apply to all navigable waters located within the boundary

lines of the village, except when the provisions thereof are in conflict with the laws or ordinances of the United States, the State of New York or any political division or administrative authority thereof having jurisdiction thereover.

§ 91-5. Navigation laws.

All provisions of the Navigation Law of this state, of the inland rules enacted by Congress and governing the navigation of the inland waters of the United States, and of the pilot rules for United States inland waters, applicable to the channel systems, relative to the rule for vessels passing each other and other matters consistent with the proper use of the channel systems, shall be complied with by all boats using the navigable waters within the boundary lines of the village.

§ 91-6. Definitions.

As used in this ordinance, 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.

MOTORBOAT — Includes any vessel propelled in whole or in part by an engine or motor whether inboard or outboard.

§ 91-7. Boat not in motion.

- A. No boat shall be moored or anchored except at the edge of a channel and in no case closer than 50 feet to channel markers or so as to interfere with the full use of the channel by others.
- B. No vessel shall be tied up or made fast to any public dock or to other property of the village. In addition to the penalties provided for a violation of this chapter, the Board of Trustees, or any duly authorized officer or agent thereof, may cause any vessel tied up or made fast to any public dock or other village property to be removed at the expense of the owner or person in charge of such vessel. **[Amended 10-13-1981 by L.L. No. 19, 1981]**
- C. Any vessel which becomes a menace to navigation or unseaworthy or sinks, grounds or becomes otherwise disabled shall be removed by the owner of the boat or the owner of the property or marina upon which the boat is sunk or disabled, upon order of the Board of Trustees or any duly authorized officer or agent thereof. Failure to comply with such order within 48 hours of its service, in person or by certified mail, to the property owner's or boat owner's last known address shall constitute a violation of this ordinance, and any vessel 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 of the boat or the owner of the marina or property where said vessel is located. **[Amended 7-11-1983 by L.L. No. 19, 1983]**
- D. No person shall operate or permit the operation of any engine, motor or other mechanism capable of sound on any vessel moored or anchored, except for the purpose of getting underway, at night between the hours of 10:00 p.m. and 7:00 a.m.

§ 91-8. Navigation regulations.

- A. Every person operating a boat shall at all times operate it in a careful and prudent manner and at such rate of speed as not to disturb the reasonable comfort or endanger the property or the life and limb of others, or in such manner as to interfere with the free and proper use by others of the navigable waters within the village. Throwing up a dangerous wake when approaching another boat shall be considered a violation of this ordinance.
- B. No person shall operate a boat at a speed in excess of four miles per hour in the navigable waters of the village.
- C. No person shall operate a motorboat without having the exhaust of the engine run through a muffler so constructed and used as to muffle the noise of the exhaust in a reasonable manner.
- D. No person shall operate a boat within 600 feet of any municipal bathing beach.
- E. The foregoing provisions of this section shall be held inapplicable in such waters as may be from time to time set aside for the conduct of boat races or similar events held under the auspices of a recognized bona

fide civic or yachting club, group or association when a permit therefor has been granted by the Board of Trustees. The waters thus set aside shall be clearly marked and posted in conformity with a resolution duly adopted by the Board of Trustees and in conformity with § 34 of the Navigation Law of the State of New York.

ARTICLE III Operation of Watercraft on Inland Waters [Adopted 12-23-68 as Ord. No. 9.3]

§ 91-9. Restrictions.

No person shall operate a boat propelled either in whole or in part by an engine or motor, inboard or outboard, in the village upon the following inland waters: West Lake, Pine Lake, Mill Pond, North Cove, South Cove and Rider Avenue Park Ponds.

ARTICLE IV Residential Use of Waterways [Adopted 4-13-87 as L.L. No. 4, 1987 Editor's Note:

This local law repealed former Art. IV, Residential Use of Waterways, adopted 7-11-83 as L.L. No. 20, 1983. Said local law also included a section entitled "Legislative intent," which read as follows: "It has come to the attention of the Board of Trustees of the Incorporated Village of Patchogue that watercraft used for residential purposes have appeared with increasing numbers on village waterways. "The presence of such vessels has caused great concern over their potentially adverse environmental impact and the additional strains placed on municipal services. "The Board of Trustees recognizes its responsibility to provide for the health, safety and welfare of village residents. As an expression of that responsibility, the Board recognizes that it must oversee and plan for the proper utilization of the village's marine resources. "The Patchogue River and the other estuaries, streams and lakes within the boundaries of the village represent valuable economic and recreational resources which must be carefully preserved, monitored and maintained. They have been, and will continue to be a primary focus for growth and development within the Village of Patchogue. "Within the recent past and for the foreseeable future, the village has made, and will continue to make, considerable expenditures of time, manpower and money to clean up its waterways, in particular, the Patchogue River, of sewage, debris and other pollutants, recognizing that a diminished water quality has harmful effects extending beyond the village boundaries to other areas, including the shellfish beds of the Great South Bay. "The Board finds that the proliferation of houseboats is inimical to those efforts. They represent a substantial danger of increased water pollution due to a direct or accidental discharge of sewage and wastewater effluents. In addition, they create problems for fire protection, police protection, trash storage and collection, emergency power source requirements during electric power failures, ice conditions in winter with resultant bulkhead damage, overcrowding on waterways, damage to vessels during storms and stress on upland parking facilities. "The Board recognizes that the public's right to clean, navigable waterways would be compromised if the continued incursion of such watercraft were allowed to go unchecked."]

§ 91-10. Definitions.

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

HOUSEBOAT — Includes any vessel or craft designed or, in fact, used or occupied as a permanent dwelling unit, containing sleeping and dwelling quarters and toilet facilities, or as a business office or source of any occupation, or as a private or social club of whatsoever nature, including but not limited to a structure constructed upon a barge primarily immobile and out of navigation or which functions substantially as a land structure, whether or not such vessel or craft is self-propelled and whether or not it is permanently anchored or secured to the shore, bulkhead or bottom of any navigable waterway or inland waters within the boundaries of the Village of Patchogue.

MARINA — A dock or base which is operated for profit or to which public patronage is invited providing moorings, dockage or other marine services primarily for power- and sailing boats, yachts, launches or other watercraft, other than houseboats, and which may also be capable of removing any and all vessels and crafts moored within the marina for repair or storage or as a result of emergency conditions.

§ 91-11. Prohibitions.

- A. No houseboat shall be used, occupied or anchored within the waterways described in § 91-10 or secured to any dock or shore within the boundaries of the Village of Patchogue.
- B. No marina shall permit the in-water storage, anchorage or mooring of any houseboat.
- C. No person, firm, association, partnership, corporation or marina shall rent, hold out for rent or sell any site or space for the location of any houseboat.

§ 91-12. Existing uses.

Existing houseboats located within the boundaries of the Village of Patchogue prior to January 1, 1987, may continue at said locations if the houseboat owner and the marina or property owner where the boat is located jointly apply to the Board of Trustees and are granted a special permit exempting the houseboats from the prohibitions of § 91-11, subject to the following conditions:

- A. Said joint application must be made to the Board of Trustees within 30 days of the effective date of this local law.
- B. Any special permit so issued by the Board of Trustees shall expire September 30, 1988.
- C. Any special permit shall be conditioned upon the installation, maintenance and use of a sanitary disposal system and wastewater disposal system which are in full compliance with all local, county, state and federal laws, rules and regulations affecting said systems.
- D. No such houseboat shall be placed in such a manner or location that it will interfere with navigation or the proper use of the waterways or shorelines of the Village of Patchogue.
- E. Every application shall be accompanied by a certification from the Building Inspector, as designated by § 55-5, that the houseboat is in conformity with all housing, building, fire and safety standards of the Village of Patchogue and that the houseboat owner and marina or property owner have provided for sewer and wastewater disposal, trash collection, electricity, water and off-street parking.
- F. Every application shall include a diagram or plan drawn to scale of the dimensions of the boat and rooms located therein.
- G. Upon request, the owner shall submit an environmental impact statement or any other document or information which may be deemed pertinent to assess the environmental consequences of the use and location of the boat.
- H. Said permit shall expire upon the destruction of the houseboat by fire, storm or other cause when the resultant destruction is beyond 50% of the cost of restoring said boat, as determined by the Building Inspector.
- I. For purposes of the Zoning Code of the Incorporated Village of Patchogue, *Editor's Note: See Ch. 93, Zoning.* a houseboat shall be considered a one-family dwelling and shall be governed by all laws affecting said dwellings, where applicable.
- J. Where two or more houseboats are moored together, there shall be a distance of at least 10 feet of open water between the sides of the adjacent houseboats.

§ 91-13. Severability.

If any word, phrase, clause, section or subsection of this local law shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, then said segment shall be severable from the balance of the local law, which shall remain in full force and effect.

ARTICLE V General Provisions [Adopted 2-13-1990 by L.L. No. 1, 1990]**§ 91-14. Penalties for offenses.**

- A. For every violation of any provision or section of Chapter 91 or Chapter 93 of the Code of the Village of Patchogue or of any condition or regulation imposed by the Planning Board or any condition or regulation imposed by the Board of Appeals in granting a permit, variance or other relief or by the Board of Trustees in granting any permit, amendment to the Zoning Map or other relief, the owner, lessee, sublessee, their agents, the contractor or agent of contractor of a building or premises or any part thereof where such violation has been committed or shall exist and any other party who commits or takes part or assists in such violation or who maintains any building or premises in which such violation exists shall, for each and every violation and for each and every day that such violation continues after written notice of violation, be liable in accordance with the provisions set forth at § 1-9 of this Code or shall be subject to such penalties, fines and jurisdiction as may be imposed pursuant to § 20-2006 of the Village Law of the State of New York, as such section may be amended from time to time. The provisions of this section shall also apply to any violation of

any condition or any covenant agreed to or required to be filed and recorded in connection with any approval or relief granted by the Planning Board, Zoning Board of Appeals or Board of Trustees. **[Amended 9-9-1996 by L.L. No. 19, 1996]**

- B. In addition, any such violation shall constitute disorderly conduct and any person violating the same shall be a disorderly person under the Code of the Village of Patchogue.