



**TOWN OF SHELTER ISLAND
38 North Ferry Road
P.O. Box 1549
Shelter Island, New York 11964**

SHELBY MUNDY
TOWN CLERK
REGISTRAR OF VITAL STATISTICS
FREEDOM OF INFORMATION OFFICER
RECORDS ACCESS OFFICER

OFFICE (631) 749-1166
FAX NUMBER (631) 749-3436
townclerk@shelterislandtown.gov
www.shelterislandtown.us

**CHAPTER 128
WATERWAYS**

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[HISTORY: Adopted by the Town Board of the Town of Shelter Island 7-19-85. Amendments noted where applicable.]

GENERAL REFERENCES

Beaches and parks - See Ch. 36
Boats - See Ch. 40
Docks - See Ch. 53

- § 128-1. Title.
This chapter shall be known as the "Waterways Ordinance of the Town of Shelter Island."
- § 128-2. Legislative findings; intent; declaration.
A. The Town Board of the Town of Shelter Island finds that the increasing and continuing use of the waterways in and around Shelter Island and, in particular, anchoring in the harbors, bays and creeks by boats and vessels operated by nonresidents has resulted in discharge and pollution and has caused and is causing the contamination of fish spawning areas, is reducing the shellfish

population relied upon as a source of income by many residents and is eroding a vital economic and recreational asset for existing and future residents of the Town of Shelter Island.

B. It is the intent of this chapter to protect the underwater lands of the town and minimize the harm occurring to fish and other marine and aquatic life, as well as to reduce pollution and otherwise protect the limited and nonreplenishable resources offered by the waterways of the town.

C. Therefore, the Town Board declares that the regulation of the waterways of the Town of Shelter Island and the establishment of transient anchoring areas is essential to the health, safety and welfare of the people of the Town of Shelter Island. [Amended 6-30-2006 by L.L. No. 8-2006]

§ 128-3. Applicability.

The following rules and regulations shall apply to the anchoring of boats owned or operated by nonresidents in waters within the Town of Shelter Island as designated by the Town Board but shall not apply to waters within or bounding an incorporated village of the town to a distance of one thousand five hundred (1,500) feet from shore.

§ 128-4. Definitions.

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

ANCHOR or ANCHORING - The attachment of, or to attach, a boat or vessel to the ground or bottom by means of tackle so designed that, when such attachment is terminated, the tackle in its entirety is removed from the ground or bottom and taken under the control of the boat or vessel.

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 and in air, and shall be deemed to include any airplane capable of landing on water. The use of the term "boat" shall include the term "vessel," and "vessel" shall include "boat."

FLOAT - Any structure, raft, or floating platform which is designed to float upon the surface of a water body. [Added 6-30-2006 by L.L. No. 8-2006]

INLAND WATERS - The West Neck System inshore of a line from the end of Shell Beach to Heron Lane; Coecles Harbor inshore of a line from Sungic Point to Reel Point; Dering Harbor inshore of a line from Dering Point to Chequit Point. [Added 6-30-200 by L.L. No. 8-2006]

NONRESIDENT - Any person, whether owner or operator and whether an individual, firm, partnership, corporation, company, association or organization, who or which is not a resident as hereinafter defined.

OPERATOR - Any person who is navigating or directing the operation of a boat or vessel.

OWNER - Includes the person under whose name a boat (vessel) was last registered with the State of New York or the United States Coast Guard; 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 him to such possession.

PERMITTED BOAT OR FLOAT - A float covered by a dock certificate of compliance from Shelter Island, or a boat regularly tied to either a dock or to a mooring which has a Town permit. [Added 6-30-2006 by L.L. No. 8-2006]

RESIDENT - Any owner of real property within the Town of Shelter Island or any person who resides in the Town of Shelter Island pursuant to a six months or longer rental

agreement. The immediate family (spouse or children) of residents, as defined above, shall also be deemed to be "residents." [Amended 6-30-2006 by L.L. No. 8-2006]

TRANSIENT ANCHORING AREA - Those portions of Shelter Island waters which shall be designated as such by the Town Board of Shelter Island. [Amended 6-30-2006 by L.L. No. 8-2006]

§ 128-5. Anchoring prohibitions. [Amended 6-30-2006 by L.L. No. 8-2006; 2-19-2014 by L.L. No. 1-2014]

A. Nonresidents:

1. Between May 15 and September 15 in each year, a nonresident shall not anchor a boat in the inland waters except in the transient anchoring areas in Coecles Harbor and West Neck Harbor designated by the Town Board as a transient anchoring area.

2. Between May 15 and September 15 in each year, a nonresident shall not anchor a boat in any transient anchoring area for more than forty-eight (48) hours in any seventy-two-hour period. In addition, boats shall not be rafted overnight in transient anchoring areas.

3. Between September 15 and May 15 of the following year, a nonresident shall not anchor a boat in any area except a transient anchoring area for a maximum of three consecutive days.

B. Residents:

1. Between May 15 and September 15 in each year, a resident shall not anchor a boat in the inland waters for more than four consecutive days. Boats shall not be anchored in gridded mooring fields in any of the Shelter Island harbors.

2. Between September 15 and May 15 of the following year, the permitted boat or float of a resident may be anchored in inland waters only in a location which is not a hazard to navigation or other boats or properties.

C. No anchoring at any time [Added 6-15-2010 by L.L. No. 7 - 2010, effective 6-22-2010]:

1. No person may anchor a boat in an area off the Crescent Beach bathing area as specifically shown on a chart, duly adopted by the Town Board of Shelter Island and amended from time to time by resolution, which is annexed hereto and is made a part hereof. A copy of the chart shall be kept in the office of the Town Clerk.

§ 128-6. Transient anchoring areas. [Amended 6-30-2006 by L.L. No. 8-2006]

A chart, duly adopted by the Town Board of Shelter Island, showing anchoring areas in the waters of Coecles Harbor and West Neck Harbor is annexed hereto and is made a part hereof. A copy of the chart shall be kept in the office of the Town Clerk.

§ 128-6.1. Prohibition on use of another's mooring or dock. [Added 10-28-2013 by L.L. No. 7-2013]

No person may tie-up to a private or commercial mooring or dock without specific, prior approval of the owner, except in an emergency, and then only for the reasonable duration necessary to effect repairs or remedy the emergency.

§ 128.7. Additional anchoring areas.

The Town Board may, from time to time, designate by ordinance additional authorized anchoring areas, which shall be marked by suitable buoys or markers.

§ 128-8. Penalties for offenses.

A. A violation of this chapter shall be deemed an offense and shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

B. When a violation of this chapter is continuous, each twenty-four (24) hours thereof shall constitute a separate and distant violation.

C. Any vessel anchored in violation of these rules may be removed by the Shelter Island Town Police. The expense of removal constitutes a maritime lien against the vessel, and it may be proceeded against in rem for costs plus interest at the prevailing rate.