



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
NOTARY PUBLIC

OFFICE (631) 749-1166
FAX (631) 749-3436
townclerk@shelterislandtown.gov
<https://www.shelterislandtown.gov/>

CHAPTER 37

BEACHES, VEHICLES ON

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[HISTORY: Adopted by the Town Board of the Town of Shelter Island 4-12-1994 by L.L. No. 2-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Beaches and parks - See Ch. 36.
Wetlands - See Ch. 129.

§ 37-1. Title.

This chapter shall be known as the "Vehicles on the Beach Local Law of the Town of Shelter Island."

§ 37-2. Statutory authority.

This chapter is adopted pursuant to the authority of the Municipal Home Rule Law.

§ 37-3. Purposes.

The Town Board of the Town of Shelter Island hereby determines that it is in the public interest to regulate the operation of vehicles on the beaches owned and/or operated by the Town of Shelter Island for the purposes of preserving and protecting the rights of residents and visitors using these beaches; protecting the beaches from erosion and damage to vegetation; and protection of the nesting and feeding grounds of federally protected shore birds. However, this chapter is not intended to impede the normal use of Town landings.

§ 37-4. Definitions.

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

OFF-ROAD VEHICLE - Motorcycle, moped, dirt bike, dune buggy, snowmobile, all-terrain vehicle, Hovercraft or similar type vehicle.

PARK - Any premises or area, including Town landings, owned by the Town of Shelter Island and/or managed by it or its licensees for recreation or open space purposes. Specifically included in this definition are the premises located immediately to the south of Menhaden Lane which are owned in part by Suffolk County and in part by the Town.

PUBLIC BEACHES - Beaches owned and/or managed by the Town of Shelter Island. Included within this definition are Crescent Beach, Wade's Beach and Shell Beach, although it should be noted that only Crescent Beach and Wade's Beach are actively managed by the Town as bathing beaches. Also included are all premises below the mean high-water mark or lying under the water controlled by the Town of Shelter Island. Parcels above the mean high-water mark which are not specifically described herein are private property and are subject to trespassing regulations.

RESIDENT - All domiciliaries, owners of real property and lessees of real property situate in the Town of Shelter Island, including members of their immediate families, i.e., grandparent, parent, child, sibling. Also included are registered guests of hotels, inns, motels, guest cottages, rooming houses and camps situate in the Town of Shelter Island.

VEHICLE - Any self-propelled transportation device mounted on tracks, treads or wheels or any number or combinations thereof, other than an off-road vehicle as defined herein.

§ 37-5. Off-road vehicles prohibited.

No person shall operate an off-road vehicle at any time on the public beaches or parks in the Town of Shelter Island, except on a road or in a parking area established within said public beaches or parks for the use of motor vehicles.

§ 37-6. Proper operation of vehicles on public beaches and parks; permits; fees.

A. No person shall operate a vehicle on Shell Beach, except on the unpaved road, at any time between April 1 and September 15 of each year.

B. No person shall operate or park a vehicle beyond the paved portion of Club Drive, commonly known as "Reel Point", without displaying a valid and proper beach vehicle driving permit issued by the Shelter Island Town Clerk's Office. [Added 6/3/2005 by L.L. No. 5-2005, effective 6/13/2005]

C. No person shall operate or park a vehicle on Crescent Beach or Wade's Beach, except on the paved parking areas or on the park adjacent to Menhaden Lane for a distance of two hundred (200) feet southerly from Menhaden Lane, between the hours of 9:00 a.m. and 6:00 p.m. from the Friday immediately preceding Memorial Day through September 15th of each year. At other times, vehicles must display a valid and proper beach vehicle permit issued by the Shelter Island Town Clerk.

D. Permits shall be issued annually from April 1 through March 31 of each year, upon payment to the Town Clerk of a nonrefundable fee of twenty-five dollars (\$25.00) for residents and one hundred dollars (\$100.00) for nonresidents.

E. No vehicle shall be operated at any time at a speed in excess of five (5) miles per hour.

F. No person shall operate a vehicle on any dunes, beach grasses, berms, wetlands vegetation or other similar barrier of any kind.

G. No person shall operate a vehicle within or upon any protected bird nesting area identified or designated as such by the Town Board.

H. No person shall operate a vehicle in a reckless manner that endangers the safety of other persons, nor shall a vehicle be operated within twenty-five (25) feet of any person using the beach or park in a lawful manner.

I. No persons shall operate a vehicle that is not legally muffled in accordance with the New York State Vehicle and Traffic Law, nor in such a manner as to create an unreasonable level of noise.

J. Access to public beaches and parks shall be limited to the portions of adjacent Town landings which are not otherwise restricted by traffic control signs or by the presence of vegetation, berms or fences.

K. No person shall operate a vehicle on private property without the consent of the owner of said property.

L. The provisions of this section shall not apply to vehicles of governmental agencies in the performance of official duties; construction or maintenance vehicles working either under the direction or supervision of the Town or pursuant to a valid permit issued by the Town; vehicles engaged in emergency activities; and the usual and ordinary activities of riparian owners of real property occurring on such property.

M. The Town Board reserves the right to temporarily further regulate the operation of vehicles on public beaches or parks by resolution, including the closing of any such beach or park or portion thereof, in order to further the purposes of this chapter. Any permit issued, shall be issued subject to the holder conforming to the regulations now in force and effect, or that thereafter may be adopted by resolution of the Town Board.

N. Acceptance of a permit shall constitute an understanding that the Town assumes no responsibility for any injury or damage which may be sustained in connection with the issuance of the permit.

§ 37-7. Penalties for offenses.

A. Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation or repetition of an offense against the provisions of this chapter shall constitute a separate and distinct offense hereunder.

B. In addition to other penalties provided herein, any person to whom a permit has been issued who violates a provision of this chapter shall be subject to having said permit revoked.

§ 37-8. Severability.

If any part of this chapter shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this chapter as a whole, or any part thereof, other than the part so adjudged to be invalid or unconstitutional.

§ 37-9. When effective.

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