

**WITHDRAWN AS OF 8/12/2010**

Intro. Res. No.1654-2010

Laid on Table 6/8/2010

Introduced by Legislators Schneiderman and Romaine

**RESOLUTION NO. -2010, ADOPTING LOCAL  
LAW NO. -2010, A LOCAL LAW TO ENSURE THE SAFE  
TRANSFER OF FUEL TO BOATS AND WATERCRAFT**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2010, a proposed local law entitled, "**A LOCAL LAW TO ENSURE THE SAFE TRANSFER OF FUEL TO BOATS AND WATERCRAFT**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ENSURE THE SAFE TRANSFER OF FUEL TO  
BOATS AND WATERCRAFT**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that boating is a popular recreational activity enjoyed by thousands of Suffolk County families on a regular basis.

This Legislature also finds and determines that public health and environmental protection are fundamental concerns of this Legislature and that the preservation of clean water in Suffolk County's bays, ocean and sound is a critical goal.

This Legislature further finds and determines that the oil spill in the Gulf of Mexico provides a dramatic example of the substantial impact pollutants, especially hydrocarbons, can cause to a marine environment.

This Legislature finds that motor fuel is an environmental pollutant that may harm our ecosystem and County citizens when introduced into groundwater and waterways.

This Legislature determines that the use of portable fueling containers to fuel boats increases the risk of fuel spills onto the ground and/or into the water, while facilities which have and use fixed fueling facilities minimize pollution and spills through safer fueling procedures.

This Legislature also finds that minimizing the risk of spilling fuel onto our soil and into our waterways during the process of fueling boats and watercraft is important for the protection of our environment and the health of our citizens.

Therefore, the purpose of this law is to regulate the transfer of fuel to boats and watercraft so as to protect our environment and reduce pollution created by the spillage of fuel into our groundwater supply and waterways.

**Section 2. Definitions.**

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

“BOATS OR OTHER WATERCRAFT” shall mean floating crafts used for residential purposes, as well as pleasure or recreational watercraft. This term shall not include public vessels which are used for commercial purposes, such as freight carriers, to transport passengers or provide towing services in exchange for compensation, nor does it include commercial fishing vessels or emergency vessels.

“MOBILE FUELING SYSTEM” shall mean a vehicle that has an attached external fuel tank, the contents of which are used to provide fuel to motorized vehicles, including boats or other watercraft.

“PERMANENT FUEL TRANSFER FACILITY” shall mean a permanent fixed fuel tank which boats or other watercraft can access in order to obtain fuel.

“PERSON” shall mean any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

**Section 3. Prohibition.**

It shall be unlawful for any person to provide fuel to a boat or watercraft via a mobile fueling system when the boat or watercraft is located within a ½ mile radius of a permanent fuel transfer facility.

**Section 4. Enforcement.**

This law shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II, Section 760-200 et seq., of the SUFFOLK COUNTY SANITARY CODE.

**Section 5. Notice.**

The Suffolk County Department of Health Services is hereby authorized, empowered and directed to notify all licensed mobile fuel distributors of the new regulations.

**Section 6. Penalties.**

Any person providing fuel to a boat or watercraft in violation of this law shall be subject to a civil penalty. The civil penalty shall be two hundred fifty dollars (\$250.00) for a first violation, and a penalty of one thousand dollars (\$1,000.00) for any subsequent violations.

**Section 7. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 9. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 10. Effective Date.**

This law shall take effect on the sixtieth (60<sup>th</sup>) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date: