

**RESOLUTION NO. 830 -2012, ADOPTING LOCAL LAW NO. 58 -2012, A LOCAL LAW TO ESTABLISH BOATING SAFETY INSTRUCTION REQUIREMENTS (“SUFFOLK’S SAFER WATERWAYS ACT”)**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on August 7, 2012, a proposed local law entitled, "A CHARTER LAW TO ESTABLISH BOATING SAFETY INSTRUCTION REQUIREMENTS (“SUFFOLK’S SAFER WATERWAYS ACT”); now, therefore be it

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

**LOCAL LAW NO. 58 -2012, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ESTABLISH BOATING SAFETY INSTRUCTION REQUIREMENTS (“SUFFOLK’S SAFER WATERWAYS ACT”)**

**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 hundreds of thousands of Long Islanders enjoy boating on Long Island’s lakes, rivers, bays and ocean each year.

This Legislature further finds that while boating is a relaxing and pleasurable recreational activity, recent events remind us that boating can also be dangerous.

This Legislature finds that while New York State requires young people to receive boating safety instruction, no such requirement exists for persons 18 years of age or older.

This Legislature further determines that all Suffolk County boaters should receive boating safety education.

Therefore, the purpose of this law is to require all Suffolk County boaters to receive boating safety instruction.

**Section 2. Definitions.**

The following terms shall have the meanings indicated:

PLEASURE VESSEL - as defined in Section 2 of New York Navigation Law.

WATERS OF SUFFOLK COUNTY - all of the lakes, rivers, streams and bodies of water located within the boundaries of the County of Suffolk or that part of any body of water which is adjacent to the County of Suffolk and which is within the territorial jurisdiction of the State of New York.

**Section 3. Requirements.**

- A. No resident of Suffolk County shall operate a pleasure vessel upon the waters of Suffolk County unless the operator is the holder of a boating safety certificate issued by the Commissioner of the New York State Department of Parks, Recreation and Historic Preservation; by the United States Power Squadrons; by the United States Coast Guard Auxiliary; or by any entity that offers a boating course that meets the standards set by the National Association of Boating Law Administrators.
- B. All residents of Suffolk County operating a pleasure vessel upon the waters of Suffolk County shall maintain their boating safety certificate on board their vessel during all periods of operation.

**Section 4. Exemptions.**

- A. The provisions of this law shall not apply to persons certified by the Commissioner of the New York State Parks, Recreation and Historic Preservation as boating safety instructors; instructors of the United States Power Squadrons; members of the United States Coast Guard, United States Coast Guard Auxiliary and the United States Navy; police officers acting pursuant to assigned duties; peace officers acting pursuant to assigned duties; lifeguards acting pursuant to assigned duties; fire and rescue personnel acting pursuant to assigned duties; persons licensed to operate vessels by the United States Coast Guard, the Merchant Marine or the Canadian Coast Guard; and persons who hold boating safety certificates issued by other states or municipalities.
- B. No provision of this law shall be construed so as to permit any activity that is prohibited by any other Federal, State or Local Law.

**Section 5. Penalties.**

Any person who violates any provision of this law shall, for a first offense, be guilty of a violation punishable by a fine not to exceed \$250; for a second offense, shall be guilty of a violation punishable by a fine not to exceed \$500; for all subsequent offenses, shall be guilty of a misdemeanor punishable by a fine of \$1,000 or a term of imprisonment not to exceed one year, or both.

**Section 6. Applicability.**

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

**Section 7. 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 8. 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 9. Effective Date.**

This law shall take effect one year after its filing in the Office of the Secretary of State.

DATED: September 13, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 10-11-12

After a public hearing duly held on September 24, 2012  
Filed with the Secretary of State on November 6, 2012

**AFFIDAVIT OF PUBLICATION**

State of New York }  
County of Suffolk } ss:

Phillip L. Sciarillo, of Woodbury, in Nassau County, is the  
publisher of the

Smithtown Messenger       Ronkonkoma Review  
 Brookhaven Review       Medford News

a weekly newspaper published at Smithtown, Town of Smith-  
town, County of Suffolk, State of New York, and annexed is a  
printed copy, that has been regularly published in said newspaper  
once in each week for \_\_\_\_\_ week(s), dates of  
insertion being the following:

September 20, 2012.



Sworn to before me this 20<sup>th</sup>  
day of September, 2012

Darlis C. Ward  
NOTARY PUBLIC, State of New York  
No. 4856446, Suffolk County  
Term Expires April 14, 2014

Darlis C. Ward  
NOTARY PUBLIC

**PUBLIC NOTICE**  
**NOTICE IS HEREBY**  
GIVEN that the Suffolk  
County Legislature has  
passed Introductory Resolu-  
tion No. 1797-2012 and pre-  
sented to me for approval Lo-  
cal Law No. 2012, "A Local  
Law to Establish Boating  
Safety Instruction Require-  
ments ("Suffolk's Safer Water-  
ways Act") which law requires  
operators of pleasure vessels  
upon the waters of Suffolk  
County, with certain exemp-  
tions, to hold a boating safety  
certificate which meets the  
standards set by the National  
Association of Boating Law  
Administrators. Violators of  
this law are subject to civil  
penalties.

**NOTICE IS FURTHER**  
GIVEN that the County Ex-  
ecutive will hold a public hear-  
ing on the aforesaid Local Law  
at 10:00 a.m., prevailing time,  
on Monday, September 24,  
2012, in the H. Lee Dennison  
Building Media Room, 100  
Veterans Memorial Highway,  
Hauppauge, New York, at  
which time all interested per-  
sons will be heard.

DATED: September 17, 2012  
Hauppauge  
New York  
STEVEN BELLONE  
Suffolk County Executive  
9/20/4224

112 1797



SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I,* TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on September 13, 2012 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 County Legislature of the County of Suffolk.

*Tim Laube*

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Clerk of the Legislature

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote