

STRICKEN AS OF 5/20/2013

Intro. Res. No. 2088-2012
Introduced by Legislator Spencer

Laid on Table 11/20/2012

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A LOCAL LAW TO SET MINIMUM SAFETY
STANDARDS FOR RECREATIONAL BOATS IN SUFFOLK
COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 20, 2012, a proposed local law entitled, "**A LOCAL LAW TO SET MINIMUM SAFETY STANDARDS FOR RECREATIONAL BOATS IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO SET MINIMUM SAFETY STANDARDS FOR
RECREATIONAL BOATS IN SUFFOLK COUNTY**

**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 bays, oceans, lakes and rivers each year.

This Legislature further finds that people that boat for pleasure frequently bring friends and family as passengers on their boat.

This Legislature determines that boats can become dangerously unstable when they take on excess water, increasing the risk of capsizing.

This Legislature also finds and determines that commercial boats are required to have a dewatering device on board to allow for the bailing of excess water from the boat.

This Legislature finds that boats with dewatering devices also frequently have audible bilge alarms which warn boat operators that the boat is taking on water.

This Legislature also finds that large pleasure vessels with enclosed cabins should have dewatering devices and audible bilge alarms to protect the safety of the boat's operator and the passengers.

Therefore, the purpose of this law is to require all pleasure boats registered in Suffolk County that are over 26 feet in length with an enclosed cabin to install and maintain a dewatering device and audible bilge alarm.

Section 2. Definitions.

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

“AUDIBLE BILGE ALARM” shall mean a device which will sound to alert a vessel operator that the vessel is taking on water.

“DEWATERING DEVICE” shall mean a device used to remove water from a vessel.

“PLEASURE VESSEL” as defined in Section 2 of NEW YORK NAVIGATION LAW.

Section 3. Requirements.

Any pleasure vessel over 26 feet in length with an enclosed cabin which is owned by a resident of Suffolk County shall have an operational dewatering device and an audible bilge alarm.

Section 4. 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 term of imprisonment not to exceed one year, or both.

Section 5. Applicability.

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

Section 6. 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 7. 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 8. Effective Date.

This law shall take effect one hundred twenty (120) days after filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: