

**RESOLUTION NO. 277 -2013, ADOPTING LOCAL LAW
NO. 21 -2013, A LOCAL LAW TO AMEND "SUFFOLK'S SAFER
WATERWAYS ACT"**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 5, 2013, a proposed local law entitled, "**A LOCAL LAW TO AMEND "SUFFOLK'S SAFER WATERWAYS ACT"**"; now, therefore, be it

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

LOCAL LAW NO. 21 -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AMEND "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 Local Law No. 58-2012, "Suffolk's Safer Waterways Act", requires Suffolk County residents to receive boating safety instruction and obtain a boating safety certificate prior to operating a pleasure vessel in the County's waters.

This Legislature also finds that Local Law No. 58-2012 recognizes a number of entities which can issue boating safety certificates, including the New York State Department of Parks, Recreation and Historic Preservation, the United States Power Squadrons and the United States Coast Guard Auxiliary.

This Legislature further finds that town and village bay constables and harbor masters will share responsibility for enforcing Local Law No. 58-2012 in their local waters.

This Legislature also determines that in light of their enforcement powers, town and village bay constables and harbor masters should be authorized to issue boating safety certificates to the residents of their communities.

Therefore, the purpose of this law is to amend Local Law No. 58-2012 and authorize local bay constables and harbor masters to issue boating safety certificates to residents in their jurisdictions.

Section 2. Amendments.

Section 3 of the Local Law No. 58-2012 is hereby amended as follows:

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; by a bay constable or harbor master of any municipality within Suffolk County; or by any other entity that offers a boating course that meets the standards set by the National Association of Boating Law Administrators.

* * * *

Section 3. Applicability.

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

Section 4. 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 5. 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 6. Effective Date.

This law shall take effect on or after November 6, 2013.

___ Underlining denotes addition of new language

DATED: April 23, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 15, 2013
After a public hearing duly held on May 8, 2013
Filed with the Secretary of State on May 31, 2013