

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village
(Select one.)

of Mamaroneck

FILED
STATE RECORDS

DEC 07 2016

DEPARTMENT OF STATE

Local Law No. 24 of the year 2016

A local law TO AMEND THE PROVISIONS OF CHAPTER 240 MANAGEMENT OF

(Insert Title)

COASTAL ZONE, HARBOR AND WATERCRAFT, OF THE CODE OF THE

VILLAGE OF MAMARONECK

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village
(Select one.)

of Mamaroneck as follows:

See Attached:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 24 of 2016 of the ~~(County)(City)(Town)(Village)~~ (Village) of Mamaroneck was duly passed by the Board of Trustees on November 28 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

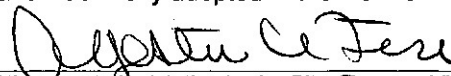
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

12/2/10

(Seal)

VILLAGE OF
DOVER

LOCAL LAW Z OF 2016

TO AMEND THE PROVISIONS OF CHAPTER 240 MANAGEMENT OF COASTAL ZONE, HARBOR AND WATERCRAFT, OF THE CODE OF THE VILLAGE OF MAMARONECK

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

Section I: Chapter 240 Management of Coastal Zone, Harbor and Watercraft, of the Code of the Village of Mamaroneck is amended to read as follows:

Chapter 240. Management of Coastal Zone, Harbor and Vessels

ARTICLE I. Title; Findings; Authority; Purpose; and Definitions

§ 240-1. Title.

This chapter shall be cited as the "Management of Coastal Zone, Harbor and Vessels Law" of the Village of Mamaroneck.

§ 240-2. Findings.

A. Mamaroneck Harbor is an important and intensely used area that supports a wide range of public and private in-water uses, including recreational and commercial boating and anchorage and mooring areas, recreational fishing and swimming, boatyards and marinas, and yacht and beach clubs. The Village of Mamaroneck finds that, in order to allocate and manage the safe and efficient use of the harbor and its underwater lands and waters, and to allocate adequate space for these uses, Chapter 240 of the Code of the Village of Mamaroneck shall hereby be adopted to implement a plan for the management of Mamaroneck Harbor.

B. It is the intention of the Village of Mamaroneck that the preservation, enhancement and utilization of the natural and man-made resources of the Village's unique coastal area take place in a coordinated and comprehensive manner to ensure the proper balance between those natural resources and the need to accommodate the needs of population growth and economic development. Accordingly, it is the intention of this chapter to achieve a balance between economic development and preservation that will permit the beneficial use of coastal resources while preventing the loss of living marine resources and wildlife; diminution of open space areas or public access to the waterfront; shoreline erosion and impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

§ 240-3. Authority.

This chapter is adopted pursuant to the following laws of the State of New York: Article 42 of the Executive Law, § 46-a of Article 4 of the Navigation Law, Article 2 of the Municipal Home Rule Law and Article 9 of the State Constitution. This chapter is also adopted pursuant to the Waterfront Revitalization and Coastal Resources Act in order to implement the policies of the Village of Mamaroneck Local Waterfront Revitalization Program.

§ 240-4. Purpose.

A. The operation and mooring of vessels in Mamaroneck Harbor and the safe and efficient use of space within the harbor, being a matter affecting public interest, is and should be subject to the regulatory, supervisory and administrative controls hereinafter set forth. The preservation, enhancement and utilization of the Village's coastal area is also a matter of public interest. Pursuant to the Waterfront Revitalization and Coastal Resources Act and the Village of Mamaroneck Local Waterfront Revitalization Program, it is the intent of this chapter that proposed actions be reviewed to determine their consistency with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program and that this review be coordinated with and made a part of each agency's existing procedures.

B. The purpose of this chapter is to:

- (1) Establish standards, requirements and procedures for the safe and sanitary operation of vessels and regulation of matters relevant to safety, sanitation and environmental conservation in the Village of Mamaroneck.
- (2) Implement a plan for the management and use of surface waters and underwater lands within the harbor.
- (3) Provide a framework for Village agencies to consider coastal management policies contained in the Village of Mamaroneck Local Waterfront Revitalization Program when reviewing applications for actions or proposing direct agency actions.
- (4) Define the Harbor and Coastal Zone Management Commission and its duties.

§ 240-5. Definitions.

As used in this chapter, the following terms shall have the meanings stated after each such term:

ACTION

Any projects or physical activity, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that is directly undertaken, funded or approved by an agency of the Village of Mamaroneck; or Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions; or Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; or any combination of the above.

Provided, however, that ACTION does not include the following:

- A. Maintenance or repair involving no substantial changes in an existing structure or facility.
- B. Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes.
- C. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming.
- D. Repaving of existing highways not involving the addition of new travel lanes.
- E. Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities.
- F. Maintenance of existing landscaping or natural growth.
- G. Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- H. Routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
- I. Except when a wetlands permit is required under Chapter 192 of the Village Code, construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph K and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
- J. Except when a wetlands permit is required under Chapter 192 of the Village Code, construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density, but not including construction, expansion or placement of water-dependent accessory/appurtenant residential structures, such as piers, docks, seawalls or similar water access or erosion control structures, or other structures within fifty feet of mean high water.
- K. Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.
- L. Granting of individual setback and lot line variances.
- M. Granting of an area variance(s) for a single-family, two-family or three-family

residence.

N. Public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management clear-cutting or the application of herbicides or pesticides.

O. Minor temporary uses of land having negligible or no permanent impact on the environment.

P. Installation of traffic control devices on existing streets, roads and highways.

Q. Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns.

R. Information collection, including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soil studies that do not commit the agency to undertake, fund or approve any action classified as either a Type I or unlisted action under the New York State Environmental Quality Review Act Regulations (6 NYCRR Part 617).

S. Official acts of a ministerial nature involving no exercise of discretion, including building permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s).

T. Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.

U. Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided that those activities do not commit the agency to commence, engage in or approve such action.

V. Collective bargaining activities.

W. Investments by or on behalf of agencies or pension or retirement systems or refinancing existing debt.

X. Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession.

Y. Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides or other hazardous materials.

Z. License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

AA. Adoption of regulations, policies, procedures and local legislative decisions in

connection with any action on this list.

BB. Engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this chapter have been fulfilled.

CC. Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion.

DD. Adoption of a moratorium on land development or construction.

EE. Interpreting an existing code, rule or regulation.

FF. Designation of local landmarks or their inclusion within historic districts.

GG. Emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this chapter.

HH. Applications for area variances for signs located on existing structures.

II. The construction, expansion or reuse of a non-residential structure not requiring a change in zoning or a use variance involving less than 8000 square feet of gross floor area in the Village's General Commercial (C-1) and Central Commercial (C-2) districts.

AGENCY OF THE VILLAGE; VILLAGE AGENCY

Any department, board, commission, public authority or other agency of the Village of Mamaroneck which has jurisdiction by law to approve or directly undertake a given action.

ANCHORAGE

An area reserved for the anchoring of watercraft vessels as designated on the Harbor Management Plan Map.

BREAKWATER

A structure primarily designed to break the force of waves or to influence the course of current or tide. The term includes jetties.

BUFFER AREA

An area extending outside the lines of a channel, mooring or anchorage area to a distance of twenty-five feet except in the east and west basin where the buffer area is fifteen feet. There is no buffer area for the mooring areas in the west and east basin. The buffer areas are shown on the Harbor Management plan Map

BULKHEAD

A marine structure or partition to retain or prevent sliding and/or erosion of the adjacent upland. A secondary purpose is to protect the upland from wave action. The term includes seawalls, walls, walks and riprap.

CHANNEL

A federally or Village designated navigation accessway in the harbor, as shown on the Harbor Management Plan Map.

COASTAL AREA or COASTAL ZONE

The lands and waters within the Village of Mamaroneck's jurisdiction as described in the Village of Mamaroneck Local Waterfront Revitalization Program.

CONSISTENCY DETERMINATION

A resolution prepared by the Harbor and Coastal Zone Management Commission or the Village Board of Trustees and filed with the Clerk of the Village of Mamaroneck, which describes the nature, extent and location of the action and sets forth the reasons supporting the determination as to the consistency of the action with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program.

DIRECT ACTION

An action planned and proposed for implementation by the Village of Mamaroneck. Direct actions include but are not limited to capital projects, procedure-making, policy-making and zoning.

DRY SAILING

The storage of boats in commission on land on specially constructed racks, or otherwise, during the normal boating season and launched by some mechanical means when the boat is to be used. Exempt from dry sailing are vessels such as sail boards, sunfish, sailing dinghies, inflatables, dinghies, skiffs, jet skis, wave runners and rowboats.

EAST BASIN

That portion of the inner harbor lying east of Harbor Island Park.

FAIRWAY

An area in the harbor, other than a federally or Village designated channel, commonly used as an open accessway between marine structures or designated channels and mooring areas.

GUEST MOORING SPACE

A mooring space to be used on a temporary basis by a guest.

HARBOR

All waters, inlets, bays and coves, including the area between the mean high and mean low water mark, within or bounding the Village of Mamaroneck to a distance of 1,500 feet from the shore.

HARBOR MANAGEMENT PLAN

A plan comprised of written policies and objectives approved by the Village of Mamaroneck Board of Trustees, or the harbor management components of the approved Local Waterfront Revitalization Program.

HARBOR MANAGEMENT PLAN MAP

A map of Mamaroneck Harbor, approved by the Village of Mamaroneck Board of Trustees, and incorporated into the Local Waterfront Revitalization Program that may be amended from time to time by resolution of the Harbor and Coastal Zone Management

Commission, subject to approval by the Village of Mamaroneck Board of Trustees, which is on file in the office of the Village Clerk.

HARBOR MASTER

The Harbor Master duly appointed by the Village of Mamaroneck, who is a peace officer pursuant to § 2.10, Subdivision 19, of the New York State Criminal Procedure Law.

INNER HARBOR

That portion of the harbor extending shoreward from a line running from Shore Acres Point to the concrete pier north of the foot of Bleeker Avenue.

LITTER

Any garbage, refuse or rubbish and other waste material which is thrown or deposited and which tends to create a danger to the public health, safety and welfare.

MAMARONECK HARBOR

All of the underwater lands and waters seaward of mean high water as shown on the Harbor Management Plan Map for Mamaroneck Harbor.

MARINA

Any public, private, commercial or educational facility which provides accommodations or facilities for vessels, including mooring, docking, storing, leasing, sale or servicing of vessels within the harbor or uplands adjacent thereto, including yacht clubs, beach clubs, boatyards and any other installation providing for services or storage space for vessels.

MARINE STRUCTURES

Any structure, including but not limited to jetties, groins, breakwaters, bulkheads, floats, piers, boathouses, moorings and/or docks in or upon any waters or underwater lands within the Village of Mamaroneck or bounding the Village of Mamaroneck to a distance of 1,500 feet from shore.

MEAN HIGH WATER

The average height of the high waters over a nineteen-year period immediately preceding the current year.

MOORING

The attachment of a vessel to a pier or dock or other structure or the attachment of a vessel to the ground or lands underwater by means of tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.

MOORING AREA

The areas designated by the Harbor Master or by the federal government, as shown on the Harbor Management Plan Map, that are reserved specifically for the mooring and anchorage of vessels.

MOORING DEVICE

A permanent or semipermanent vessel-anchoring device and its associated tackle, such as chains, buoys and other equipment, other than a common anchor, manufactured and/or used specifically for the permanent semipermanent anchoring or mooring of vessels.

MUNICIPAL DOCK

A dock owned and operated by the Village of Mamaroneck.

OUTER HARBOR

That portion of the harbor extending into and toward the Long Island Sound to the point that is 1,500 feet from the shore from a line running from Shore Acres Point to the concrete pier north of the foot of Bleeker Avenue.

PERIMETER

The in-water boundary of an area consisting of a series of connected imaginary lines on a plan, map or other diagram, that encompass all related marine structures that function together to create a component of an in-water facility or use.

PERIMETER PERMIT

A permit issued by the Building Department of the Village of Mamaroneck, upon the recommendation of the Harbor and Coastal Zone Management Commission, authorizing eligible entities to reconfigure marine structures within a prescribed perimeter and, if so authorized in the permit, to add to, delete from, reconstruct or otherwise alter such marine structures.

PERMIT

A permit, lease, license, certificate or other entitlement for use or permission to act that may be granted or issued by an agency of the Village of Mamaroneck.

POLICE BAY CONSTABLES

The Bay Constables appointed by the Village of Mamaroneck, who are peace officers pursuant to § 2.10, Subdivision 18, of the New York State Criminal Procedure Law.

REPAIR IN KIND

The rebuilding of a damaged structure or a portion thereof at the same site and in the same envelope, using similar material as the structure being repaired.

REPLACEMENT IN KIND

New construction at the same site and in the same envelope, using similar material as the structure being replaced.

SERVICE FLOAT

A float located within Mamaroneck Harbor where boats may tie up temporarily before or after being brought in for service.

VESSEL

Any contrivance used or capable of being used as a means of transporting people or goods upon the water.

VILLAGE VISITORS' DOCK

A temporary docking space provided by the Village of Mamaroneck for nonresident visitors.

WEST BASIN

That portion of the inter harbor lying west of Harbor Island Park.

WORK FLOAT

A float located in Mamaroneck Harbor utilized by a contractor to store equipment or to perform work within the harbor.

ARTICLE II. Designated Areas and Restrictions on Harbor Uses and Activities

§ 240-6. Designated areas within Mamaroneck Harbor.

Channels, anchorages and mooring areas and their buffer zones are hereby established in Mamaroneck Harbor, as shown on the Harbor Management Plan Map on file in the Village Clerk's office.

§ 240-7. Method of operation of vessels.

A. Dangerous operation prohibited. No person shall operate a vessel at a speed greater than is reasonable and prudent, or in a manner which unreasonably endangers the users of the harbor, under the conditions and having regard to the actual and potential hazards then existing.

B. Use of power. No person shall operate any vessel having mechanical power without using such power while entering or leaving the harbor inside of Buoy 8.

C. Speed limit. No vessel shall be operated by any person within the posted limits of the harbor at a speed in excess of five miles per hour, nor shall any vessel be operated by any person within such limits so as to make dangerous wakes that have the potential to cause injury to persons on another vessel or to cause damage to another vessel, structure or shoreline.

D. Identification. Vessel operators shall, at all times, identify themselves and produce the vessel's registration, if registration is required for such a vessel, to Village, state and federal authorities upon request. Failure to produce such registration upon request shall be a violation of this section.

§ 240-8. Harbor use restrictions.

A. Anchoring and mooring. No person shall anchor or moor any vessel in such a manner that it lies within the lines of any channel or fairway or buffer area within the harbor, except in emergencies.

B. Fishing. No person shall fish from any vessel located in a channel or fairway or buffer area within the harbor.

C. Waterskiing, etc. No person shall use or operate a vessel to tow a person on water skis, boards, tubes or any other devices through the waters of the harbor shoreward from Buoys 5 and 8 or in any anchorage area, with the exception of sanctioned and regulated shows or events approved by the United States Coast Guard and the New York State Commissioner of the Office of Parks, Recreation and Historic Preservation.

D. Instruction classes and races. Between the dates of May 25 and November 1, no races or instruction classes involving two or more vessels shall be conducted in the harbor shoreward from Buoys 5 and 8 or in any anchorage area.

§ 240-9. Erection of marine structures in harbor.

Erection of marine structures requires a permit from the Building Department. No person shall construct or erect any marine structure without a valid permit from the Village. The application processes and standards for Perimeter Permits and Marine Structures Permits are set forth in Articles V and VI of this chapter. The issuance of any necessary permits from the federal or state government or any other regulatory authority does not relieve any party seeking to erect a marine structure from the requirements of this chapter.

§ 240-10. Excavating, dredging or filling.

Excavating, dredging or filling in the harbor is subject to the issuance of all necessary federal and state regulatory agency permits. All applicants are responsible for applying for all necessary federal and state regulatory agency permits and, at the same time, must submit one copy of the application packages made to such agencies to the Harbor and Coastal Zone Management Commission.

§ 240-11. Prohibition on littering and discharge of pollutants.

A. Littering. No person shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged into the harbor from any vessel, marina or from the shoreline any litter or any other solid or liquid materials, including but not limited to hydrocarbons and other noxious liquids, which render the waters unsightly, noxious, unwholesome or otherwise detrimental to the public health or welfare, to marine, animal or plant life or to the enjoyment of the water for recreational purposes.

B. Discharge of non vessel sewage. The Code of the Village of Mamaroneck prohibits the discharge of non vessel sewage, litter and refuse within the harbor limits. Nothing in this section shall conflict with the regulation of the disposal of sewage from vessels pursuant to the Navigation Law of the State of New York. Non vessel sewage shall include but not be limited to any sewage resulting from a source other than a vessel or other floating object. In addition, nothing in this section shall be construed so as to prohibit the discharge of treated non vessel sewage into the harbor by the Westchester County sewage treatment facility.

C. Discharge of vessel sewage. No person, corporation or any other entity at any time shall discharge any treated or untreated sewage from any vessel in Mamaroneck Harbor, a designated "No-Discharge Zone."

§ 240-12. Sanitation requirements.

A. Litter receptacles. The owner or other person vested with the possession, management and control of a non-residential marina or any other docking facility shall be required, under this chapter, to provide and maintain a sufficient number and selection of trash receptacles for the deposit of litter at locations where they are convenient to vessel users.

B. Toilet facilities.

(1) The owner or other person vested with the possession, management or operation of a non-residential marina or any other docking facility shall maintain suitable toilet facilities onshore for the accommodation of vessel users who are patrons of such facility.

(2) The owner or other person vested with the possession, management or operation of a non-residential marina or any other docking facility accommodating 25 or more vessels with United States Coast Guard approved on-board marine sanitation devices shall install and maintain suitable vessel waste sewage and waste pumping facilities onshore for the purpose of servicing vessels.

ARTICLE III. Anchorage and Mooring Areas

§ 240-13. Location and placement of anchorages and moorings.

A. Anchorage and mooring areas. Anchorage grounds for short-term anchoring and mooring areas for vessels in the harbor include the outer harbor and the inner harbor, except those areas within the fairways and channels, as shown on the Harbor Management Plan Map, used for ingress to and egress from the harbor. The Harbor Master is authorized to designate the areas within anchorage and mooring areas where individual vessels may be moored or placed at anchor, including guest vessels. No person shall moor any vessel in any area except a designated mooring area, and no person shall temporarily anchor a vessel in the anchorage grounds for any longer than 48 hours, unless specifically authorized by the Harbor Master.

B. Location of moorings.

- (1) The location of all moorings in mooring areas for vessels shall be designated on a map maintained by and on file with the Harbor Master.
- (2) No person shall moor a vessel in Mamaroneck Harbor until its location and position have been approved by the Harbor Master.
- (3) The Harbor Master shall have authority, for reasons of safety or other documented reasons to direct and order that the location or position of moorings be changed. Such notice shall be provided to the owner or operator of the subject vessel using such mooring and compliance shall be required within 10 days thereof. Failure to comply with such direction or order of the Harbor Master shall be a violation of this section.
- (4) No person shall moor a vessel within a channel or within the buffer area of a channel, mooring area, or anchorage area.

C. Placement of moorings; qualified contractors; minimum qualifications.

- (1) No mooring shall be placed in the waters of the harbor, except by a mooring contractor approved by the Village of Mamaroneck.
- (2) The Harbor Master shall maintain a listing of mooring contractors approved by the Village of Mamaroneck.
- (3) In order to be approved by the Village of Mamaroneck and to be placed on the listing noted hereinabove, a mooring contractor shall demonstrate to the Village Manager that it has the following minimum qualifications:
 - (a) Possession of equipment necessary to install and remove moorings.
 - (b) Possession of or proof of ability to obtain a mooring barge which is capable of lifting and setting moorings.
 - (c) Past experience (minimum of one year) in the installation and removal of moorings.
 - (d) Past experience (minimum of one year) in inspection of moorings.
 - (e) Proof of insurance; minimum of \$1,000,000 liability insurance.
 - (f) Proof of workers' compensation insurance, should the contractor have employees.
 - (g) Proof of comparable insurance, if workers' compensation insurance is not carried by the contractor.

§ 240-14. Mooring tackle and buoy permits.

A. No person shall moor a vessel without a mooring tackle and buoy permit, nor shall any person lay any mooring tackle unless a permit is issued by the Harbor Master, and then only for the vessel specified in the permit and only at the location specified in the permit. An administrative fee shall be charged for the issuance of such permit, the cost of which shall be determined by the Board of Trustees from time to time. Such permit shall be applicable to all vessels. The issuance of a mooring tackle and buoy permit shall be evidenced by a decal.

B. Mooring tackle and buoy permit process.

(1) Any person desiring to procure a mooring tackle and buoy permit shall file with the Harbor Master a written application upon a form furnished by the Harbor Master. Such application shall state the name, type, length and registration number, if any, of the vessel. An application for a mooring tackle and buoy permit shall also include the name, address and telephone number of the owner or lessee or charterer, if any, together with such proof of ownership or right to use of the vessel as the Harbor Master may require. A company making such application shall designate an individual as its representative. The annual administrative fee, as set forth in Chapter A347, Fees, shall accompany the application.

(2) The Harbor Master has the authority to approve or deny each application for a permit.

(3) Mooring tackle and buoy permits shall be issued only to the owner, lessee or charterer of the vessel to be moored.

(4) A mooring tackle and buoy decal shall be issued upon the payment of an annual administrative fee as set forth in Chapter A347, Fees, for vessel moored offshore, irrespective of where moored.

(5) Each vessel shall be measured from bow to stern on a center line over the deck.

(6) There shall be a charge as set forth in Chapter A347, Fees, for the issuance of a duplicate decal to replace a lost or misplaced decal.

(7) Requests for a new mooring tackle and buoy permit may be filed with the Harbor Master at any time, specifying the type and size of the vessel for which mooring tackle and buoy permits are requested. After February 15, the last date for filing applications for renewal of mooring tackle and buoy permits, applications for new permits will be forwarded to those persons who have requested the same as space is available for the type and size of vessel for which mooring tackle and buoy space has been requested. Within the limits of type and size of watercraft, priority will be given in the forwarding of applications for permits in the order in which requests for such permits have been filed with the Harbor Master.

(8) Only one mooring tackle and buoy space shall be allotted to any one vessel.

C. Display of permit. The mooring tackle and buoy permit decal issued pursuant to this chapter shall be conspicuously displayed on the exterior port side of said vessel, and only on the particular vessel for which an application is on file.

D. Transfer of permit.

(1) Mooring tackle and buoy permits are not transferable or assignable from person to person or vessel to vessel, except as herein provided. Subject to the consent of the Harbor Master and upon payment of a fee as set forth in Chapter A347, Fees, the holder of a permit may exchange such permit with the holder of another permit so as to allow an exchange of locations between such two holders. The holder of a permit may substitute another vessel of which such holder is the owner, lessee or charterer for the vessel originally specified in such mooring tackle and buoy

permit, provided that the Harbor Master approves such substitution upon written application therefor.

(2) In the event that the holder of a mooring tackle and buoy permit sells his vessel while the permit is still in force, he shall immediately notify the Harbor Master, in writing. The party holding such mooring tackle and buoy permit shall cause the decal to be removed prior to the vessel's delivery to the purchaser.

(3) It is a violation of this chapter for any person issued a permit to transfer or cause to be transferred such permit to any other person or vessel, except as outlined in § 240-14D(1). This violation shall apply to both the person so transferring and the person so receiving or benefiting from the transfer.

E. Renewal of permit. Priority will be given in the issuance of permits to those persons applying for the renewal of permits granted in the preceding year. The applicant shall file with the Harbor Master a renewal application for such a permit on or before February 15, or the last business day prior thereto, of the year for which the permit is to be effective. The Harbor Master reserves the right to reassign space based upon availability and size of vessel. The prescribed fee for the renewal of the necessary permit shall be paid at the time the application is filed. In the event that any permit holder fails to file a renewal application with the Harbor Master by 5:00 p.m. of the last business day on or before February 15 of the year in question, said party shall forfeit the priority for a renewal permit as provided in this section and must make a new application for any such permit.

F. Municipal ramp and rack fees.

(1) Ramp service charges, when floats and/or moorings are not utilized, shall be as set forth in Chapter A347, Fees.

(2) Rack fees, including use of ramp. The season fee for residents of the Village of Mamaroneck shall be as set forth in Chapter A347, Fees.

G. Storage of private floats. Any individual or commercial marine operator planning to store private floats in the inner harbor (East or West Basin) at the end of the boating season shall adhere to the following procedure:

(1) A request must be filed, in writing, with the Harbor Master prior to October 1 indicating the size of the float and the owner or operator of the float. All floats must be marked by the individual or operator storing them, and certificates of insurance must be provided. These requests will be considered in the order they are received on a space-available basis.

(2) The Harbor Master shall review and approve all storage requests and shall determine proper placement and installation for reasons of safety and other documented reasons.

(3) After payment of a fee as set forth in Chapter A347, Fees (based on linear feet), the Harbor Master may authorize the storage of these floats.

(4) All stored floats must be removed prior to May 15 and may not be put in place prior to October 15.

H. Service floats and work floats. Commercial marine operators planning to utilize floats shall observe the following procedure:

(1) An application must be filed with the Harbor Master, together with the payment of the fee as set forth in Chapter A347, Fees.

(2) The Harbor Master shall review each request and shall, in conjunction with the marine operator, decide on the size and placement of any float.

(3) In no case shall the total length of a service float be more than 50 feet and the total area exceed 400 square feet, and only one float shall be permitted for each permitted operator. Work floats shall not exceed 2,000 square feet in area.

(4) In conjunction with said application, the applicant shall provide any additional information reasonably requested by the Harbor Master in connection with his consideration of said application.

(5) Should a service or work float be connected to a fixed marine structure, all other federal, state and Village permits must be obtained, pursuant to § 240-9.

§ 240-15. Method of mooring.

A. Name on mooring. The name of the owner of the mooring tackle shall be permanently marked on the buoys by the mooring contractor. Winter buoys, when used, shall be similarly marked. Failure to mark the buoy(s) shall be a violation of this chapter by both the owner of the buoy(s) and the mooring contractor. In the event that it is determined that any such contractor has violated this provision on more than one occasion, and in addition to any other penalty herein provided, said determination shall be sufficient reason to remove such mooring contractor from the list of qualified mooring contractors maintained by the Harbor Master.

B. If a mooring buoy or winter buoy becomes a hazard to navigation, the Harbor Master may remove it, or have it removed, at the owner's expense, and hold the same until the cost of such removal is paid. In such instances, the Harbor Master, the Village or other agent of the Village shall not be responsible for loss of the mooring or mooring tackle.

C. Multiple vessels on mooring buoys. No person shall moor more than one vessel to any single mooring buoy, nor shall any other floating object be secured to a mooring buoy by any person without the advance permission of the Harbor Master.

D. In the inner harbor, no person shall fail to moor a vessel forward and aft.

§ 240-16. Responsibilities of mooring tackle and buoy owners.

A. All mooring tackle and buoy owners, as well as their representatives or agents, shall be responsible for compliance with all the provisions of this chapter and shall be subject to the penalties provided for any violation of this chapter.

B. Maintenance of mooring buoy equipment. All persons shall maintain mooring buoy equipment in good condition to prevent the moored vessel from breaking adrift and damaging other vessels and property, and endangering public safety. Whenever a mooring buoy is exchanged in accordance with this chapter, the mooring buoy tackle shall be raised and inspected before another vessel is placed on that mooring buoy. No person shall reset mooring buoy tackle found to be in poor condition until it has been made safe by the owner or his agent. This section shall apply to mooring buoy tackle which has been installed or raised and inspected during the

season for which the current mooring tackle and buoy permit has been issued. Mooring buoy tackle must be raised and inspected every three years, and defective parts must be replaced.

C. Responsibility of owner upon expiration or revocation of mooring tackle and buoy permit. Mooring buoy tackle in a space for which a permit has expired and for which a renewal application has not been received shall be removed by the owner. If such tackle is not removed by May 1, the Harbor Master may remove it or have it removed and hold the same until the cost of such removal is paid. Mooring buoy tackle in a space for which a permit has been revoked shall be removed within 10 days of notification of revocation.

D. Unauthorized mooring tackle and buoys. Failure of an owner to remove unauthorized mooring tackle and buoy, including one for which no permit has been issued, may result in the owner being assessed for charges of mooring tackle and buoy removal, fined as defined in this chapter, and subjected to liability for obstruction to navigation pursuant to this chapter.

§ 240-17. Guest vessels.

A. Guest mooring space permits.

(1) The Harbor Master is hereby authorized to assign to marinas and yacht clubs having water frontage in Mamaroneck Harbor as many mooring spaces as he shall deem necessary for the accommodation of guest vessels of such marinas and yacht clubs.

(2) Annual fees for such guest mooring space permits, other than those situate at a commercial facility, shall be as set forth in Chapter A347, Fees.

(3) Applications for renewal of guest mooring space permits shall be accomplished in the same manner as set forth in this chapter.

(4) Mooring spaces assigned to a marina or yacht club for guest moorings, approved by the Harbor Master, shall be marked with the name or initials of the marina or yacht club and the word "guest." No vessel shall be moored to such a guest mooring for more than seven days without the written permission of the Harbor Master.

B. Temporary mooring of guest vessels. Guest vessels, with the approval of the Harbor Master, may be moored at mooring buoys or tied to docks maintained by the Village of Mamaroneck or may be placed at anchor in locations approved by the Harbor Master for not more than four days without a permit. Guest vessels may be moored at mooring buoys provided by marinas located in Mamaroneck Harbor for not more than seven days, or longer if under repair or service by said marina. The mooring of vessels at mooring buoys maintained by the Village may be extended upon application, in writing, made to and approved by the Harbor Master, for a maximum of 21 days. Notwithstanding the foregoing, vessels undergoing repairs or in process of commissioning or decommissioning may be moored to a dock, pier or other structure maintained by a marina.

ARTICLE IV. Municipal Docks

§ 240-18. Permits; regulations for use.

A. Permits.

- (1) Annual municipal dock permit fees for all floats other than the special float known as the "S-float" shall be in accordance with the schedule set forth in Chapter A347, Fees.
- (2) In addition to the fee schedule referred to above, there shall be an annual fee as set forth in Chapter A347, Fees, applicable to all nonresidents.
- (3) The annual municipal dock permit fees for special floats with finger piers, known as the "S-float," shall be as set forth in Chapter A347, Fees.
- (4) A decal for the parking of one car shall be issued with each municipal dock permit.
- (5) There shall be an additional fee, annually, as set forth in Chapter A347, Fees, for those permit holders desiring a locker.
- (6) Senior citizen discount. Duly authorized permittees who are residents of the Village of Mamaroneck and have been issued municipal dock permits for at least three consecutive years and have attained the age of 65 years shall be entitled to a discount for charges incurred in connection with municipal dock permits, as specified in Chapter A347, Fees.
- (7) Each vessel shall be measured from bow to stern on a center line over the deck.
- (8) Ramp use and related parking regulations for the vehicles of boaters using the ramp shall apply as follows:
 - (a) A parking permit is required for vehicles from January 1 through December 31 each year, except when closed for special events held at Harbor Island Park, including, but not limited to, the Firemen's Parade, the Antique Car Show and the Harbor Fest/Street Fair.
 - (b) A daily or seasonal ramp use permit issued by the Village of Mamaroneck is required.
 - (c) The ramp use permit, ramp service charge and rack fees shall be as set forth in Chapter A347, Fees.
 - (d) Parking summonses for vehicles parking for use of the ramp without the applicable permits may be issued as further detailed in §§ 240-25, 326-39 and 326-66.
 - (e) Between December 15 and April 15 the ramp may be closed at the discretion of the Harbor Master based upon safety concerns.

B. Municipal dock permit process.

- (1) Any person desiring to procure a municipal dock permit shall file with the Harbor Master a written application upon a form by the Harbor Master. Such application shall state the name, type, length and registration number, if any, of the vessel. Applications for municipal dock permits shall include the name of the owner, together with such proof of ownership as the Harbor Master may require. A company making such application shall designate a living person as its representative. The annual permit fee, as set forth in Chapter A347, Fees, shall accompany the application.
- (2) The Harbor Master has the authority to approve or deny each application for a permit and to designate the space to be used in connection with such permit.
- (3) Municipal dock permits shall be issued only to the owner, lessee or charterer of the ~~watercraft~~ vessel.
- (4) Municipal dock permits shall be valid from May 1 through November 1.
- (5) There shall be a charge as set forth in Chapter 347, Fees, for the issuance of a duplicate decal to replace a lost or misplaced decal.
- (6) Requests for municipal dock permits may be filed with the Harbor Master at any time; specifying the type and size of the vessel for which a permit is requested. Priority shall be given to those persons seeking to renew a permit granted in the preceding year. After February 15, the last date for filing applications for renewal of municipal dock permits, applications for new

permits will be forwarded to those persons who have requested the same as space is available for the type and size of vessel for which municipal dock space has been requested. Within the limits of type and size of vessel, priority will be given in the forwarding of applications for permits in the order which requests for such permits have been filed with the Harbor Master.

(7) Municipal dock permits shall be displayed conspicuously as indicated in this chapter only on the particular vessel with respect to which application was made. Municipal dock permits are not transferable or assignable from person to person or vessel to vessel, except as herein provided. Subject to the consent of the Harbor Master and upon payment of a fee as set forth in Chapter A347, Fees, the holder of a permit may exchange such permit with the holder of another permit so as to allow an exchange of locations between such two holders. The holder of a permit may substitute another vessel of which such holder is the owner, lessee or charterer for the vessel originally specified in the permit, provided that the Harbor Master approves such substitution upon written application therefor.

(8) In the event that the holder of a municipal dock permit sells his vessel while the permit is still in force, he shall immediately notify the Harbor Master, in writing. The party holding such municipal dock permit shall cause the decal to be removed prior to the vessel's delivery to the purchaser.

(9) It is a violation of this chapter for any person issued a permit to transfer or cause to be transferred such permit to any other person or vessel. This violation shall apply to both the person so receiving or benefitting from the transfer.

C. Restrictions and standards.

(1) No persons other than municipal dock permit holders, members of their families, bona fide guests of municipal dock permit holders and authorized servicemen servicing vessels of municipal dock permit holders shall be permitted on municipal docks. Guests not accompanied by a permit holder must be prepared to show the permit holder's New York State vessel registration or written authorization to use the vessel. Persons under 18 years of age who do not hold a New York State, or equivalent, safe boating certificate must be accompanied by an adult. All persons using municipal docks shall, upon request, identify themselves to Village authorities.

(2) No person shall swim or dive from municipal docks.

(3) No person shall fish from municipal docks or from vessels tied to such docks.

(4) No person shall clean fish on or within 100 feet of the municipal docks.

(5) No person shall keep or store gasoline or other volatile substances in Village locker buildings.

(6) No person shall take a vessel up or down gangways leading to municipal docks, nor shall any person haul a vessel up on a municipal dock for any purpose.

(7) No person shall tie any vessel to a municipal dock in other than the vessel's assigned location, except when using the Village pumpout facilities or when picking up or discharging passengers or gear at a landing stage and then for no longer than 15 minutes.

(8) Any vessel not removed from the harbor area, whether in the water or on land, by November 1 shall be considered abandoned property. Upon written request for an extension, and weather permitting, the Harbor Master may give permission to an applicant to keep his or her vessel in the water at a designated float. Such vessel not removed at the expiration of the extended period shall be considered abandoned property. Vessels declared abandoned property by virtue of noncompliance with the above provisions may be disposed of by the Village Manager pursuant to public auction; provided, however, that, prior to any said auction taking place, the Village

Manager or the Harbor Master shall cause the permit holder to be notified, by certified mail, of the impending public sale. If said vessel is claimed by its true owner subsequent to the date given by the Harbor Master for vessel to be out of the harbor area, then the Village Manager can assess reasonable removal and storage fees based upon those rates prevailing in the area at the time said Vessel is claimed, and said fees must be paid prior to receipt of the vessel by the permit holder or owner. Any moneys expended by the Village of Mamaroneck associated with removal or auction must be paid by either the new owner or the previous owner.

(9) Assigned vessel space at municipal docks which has not been occupied by the watercraft assigned to the space by July 1 of the current year shall be forfeited and reassigned, unless the Harbor Master grants an extension upon application for good cause shown.

(10) If an assigned vessel is to be removed from its space for a period of 30 days or more after July 1 and before September 1, the owner shall notify the Harbor Master. Failure to notify the Harbor Master shall be a violation of this section and the space shall be forfeited and reassigned, unless the Harbor Master agrees to waive this provision.

(11) No part of a vessel or its equipment shall be permitted to project over the edge of a municipal dock more than 12 inches.

(12) Vessels at municipal docks shall be moored by a bow line and side spring lines in such a manner as to maintain the vessel perpendicular to the dock.

(13) Visitors' docks in the Village of Mamaroneck shall be regulated by the Harbor Master for the purpose of providing temporary stay for visitors' vessels. The relocation or removal of visitors' docks shall be directed by the Harbor Master with the approval of the Village Manager.

§ 240-19. Removal of moorings, record keeping and other harbor-related regulations.

A. Record of mooring. The Harbor Master shall record in a proper register the location and the names, length, draft, beam and type of all vessels moored in the harbor, as well as the names and addresses of the owners of all such vessels, and the position of each approved mooring shall be noted upon a map or chart of the harbor. Such records, maps and charts shall be kept at the office of the Harbor Master.

B. Inspection of vessels. The Harbor Master, Assistant Harbor Master and/or Police Bay Constables of the Village of Mamaroneck, while performing their special duties, may enter and survey all vessels within the harbor for the purpose of determining compliance with the Navigation Law and the Environmental Conservation Law of the State of New York and with this chapter in the presence of the owner or operator of the vessel or the owner or operator's representative. However, in case of emergency, the Harbor Master, Assistant Harbor Master and/or Police Bay Constables may board and enter any vessel to prevent damage or harm to life or property.

C. Revocation of permits. Upon conviction for any violation of this chapter or any regulation promulgated by any applicable state or federal law, all permits issued pursuant to this chapter may be revoked by the Harbor Master, except that any aggrieved party has the right to appeal any such determination to the Village Manager within five business days from notification of such revocation, at which time the Village Manager shall hear and determine the appeal.

D. Removal of vessels. The Harbor Master may remove unattended vessels from their mooring or anchorage location in order to protect life or property.

E. If directions given by the Harbor Master, with the approval of the Village Manager, with respect to removing unauthorized moorings or changing the location of existing moorings, shortening of mooring chains, cables or ropes or with respect to other provisions of this chapter are not complied with within 10 days after notice of such direction has been given as herein provided, the Harbor Master, with the approval of the Village Manager, may cause such moorings to be removed or changed or may drop the same to the bottom. The cost of such removal, change or dropping will be assessed against the owner of the vessel, and an action therefor may be instituted in the Village Court. Whenever the Harbor Master shall be unable to find the owner of a vessel or mooring or any agent or person in possession, charge or control thereof upon whom notice may be served, he shall address, stamp and mail such notice, by certified mail, to such person at his last known address and, in addition thereto, shall, during the notice period, attach said notice to the subject vessel.

F. Any vessel or marine structure or part thereof, including moorings, which becomes a menace to navigation or a danger to life, property or the environment, which is unseaworthy or sinks to the bottom or is run aground or otherwise becomes disabled, shall be removed by the owner or person in charge thereof within 10 calendar days of issuance of an order to correct said hazard by the Harbor Master. If such menace to navigation and/or safety is not removed or corrected within 10 calendar days as aforesaid, it may be removed or corrected by the Harbor Master or at his direction, and the cost thereof shall be charged against said owner or person in charge of said navigation hazard. Nothing herein contained shall prevent the Harbor Master from moving or removing a vessel or marine structure that creates an immediate hazard to human life, property or the environment, or from taking such immediate action as he deems necessary for the protection of life and limb, property or the environment.

ARTICLE V. Perimeter Permits

§ 240-20. Permit process for perimeter permits for in-water activity in Mamaroneck Harbor.

A. Any person desiring to commence in-water construction or move or reconfigure any marine structure to moor, dock or service 10 or more vessels at a single site may either apply for a perimeter permit pursuant to this article or may apply for a construction or reconstruction permit pursuant to Article VI of this chapter.

B. In the event that a perimeter permit is issued pursuant to the provisions of this article, then compliance with the provisions of Article VI of this chapter shall not be required.

C. For a perimeter permit, an application may be made, in writing, to the Building Department of the Village of Mamaroneck for in-water marine structures for mooring, docking or servicing 10 or more vessels.

D. The perimeter permit application shall include the following:

(1) A notarized letter of consent if the applicant is not the owner of the upland property.

- (2) A site plan map, prepared and sealed by a registered professional engineer or architect, which includes an upland reference of a suitable scale detailing existing conditions of the in-water structures of said property, as well as for a distance of a of 50 feet on all water sides of the proposed perimeter permit area, showing the uses of the properties within 400 feet. The Harbor and Coastal Zone Management Commission may require a larger site plan map depending on the area. The site plan map shall include all dimensions of fairways immediately adjacent to the permit area defining access to open waters.
- (3) A statement describing the nature of planned in-water activity and the type, size and number of vessels contained in the perimeter area.
- (4) Proposed plans for changes of construction and usage within the perimeter during the term of the permit.
- (5) A listing of names and addresses of all property owners within 400 feet of the subject premises.

E. Limitations of the perimeter permit.

- (1) No additional boat slips may be incorporated beyond the number which is authorized and approved in the perimeter permit, unless authorized by the Harbor and Coastal Zone Management Commission.
- (2) No change in the function or use of the docking facility of the perimeter water area may be undertaken (e.g., floating to fixed docks).
- (3) Excavation, dredging, bulkheading or filling shall not be commenced by any person prior to receiving all local, state and federal regulatory approvals or permits.
- (4) Boats may not protrude outside of the approved perimeter.
- (5) No structure shall lie within a channel, mooring area, or an anchorage area, or their buffer area.

F. Public hearing notification and review procedure for perimeter permits.

- (1) Upon receipt of a perimeter permit application that complies in material respect with all applicable submission requirements, the Building Department shall refer the application to the Harbor and Coastal Zone Management Commission for review and determination, and circulate the application to the Village's engineering consultant, Commission counsel and staff, other Commission consultants as determined to be necessary and appropriate, the Harbor Master, the Clerk-Treasurer and the Village Manager for their review and comment. The Harbor and Coastal Zone Management Commission shall calendar a public hearing for each application in accordance with the Commission's Rules of Procedure.
- (2) The Harbor and Coastal Zone Management Commission shall review the application at a public hearing that, unless for good cause shown, shall be held no less than 31-14 days or more than 62 days from the date of receipt of the complete application by the Harbor and Coastal Zone Management Commission from the Building Department.
- (3) All property owners within 400 feet of any boundary line of the applicant's property shall be notified by regular mail at least 15 days prior to the public hearing of said hearing date by the applicant, who shall provide proof to the Harbor and Coastal Zone Management Commission of such notification.
- (4) Every perimeter permit applicant must post a notification sign on the property which is the subject of said application at least 10 days prior to the public hearing date and must maintain the posted sign in place until the Harbor and Coastal Zone Management Commission has rendered

its final decision approving or denying said application. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public. A sign erected under this provision must be removed within 10 days after the Harbor and Coastal Zone Management Commission has rendered its final decision approving or denying said application.

(5) In the event that an application shall be withdrawn or become inactive, the applicant shall remove the sign within five business days of withdrawing the application or of receiving notice from the Harbor and Coastal Zone Management Commission that the application has been designated inactive. For the purposes of this section, any application which has not appeared on the Harbor and Coastal Zone Management Commission's agenda for six or more months shall be designated inactive. The Harbor and Coastal Zone Management Commission shall notify the applicant, in writing, that the application has become inactive and instruct the applicant to remove the sign until such time as the application shall be reactivated. Once the application is reactivated, the sign shall be posted within three days.

(6) Said sign shall be at least 30 inches by 20 inches in size, consist of sturdy and serviceable material containing a white background with black letters and shall read as follows, in legible lettering at least two inches high:

"ON THIS SITE A (describe action set forth in the application)
IS PROPOSED. THIS MATTER WILL BE DISCUSSED AT A HARBOR AND
COASTAL ZONE MANAGEMENT COMMISSION MEETING ON (give date) AT
(give time) AT (give location)."

The applicant shall update said sign at least two weeks prior to every Commission meeting in which the applicant's matter will be heard.

(7) Prior to the commencement of the public hearing, the applicant shall submit a sworn certification verifying placement and maintenance of the required notice sign. If the certification is not timely submitted, any scheduled public hearings shall be cancelled, subject to rescheduling, and any dispositive action by the Harbor and Coastal Zone Management Commission shall be deferred until timely certification is submitted. In the event of repeated or continued noncompliance with the sign posting and certification requirements, the application may be dismissed at the discretion of the Harbor and Coastal Zone Management Commission.

G. Criteria for consideration of perimeter permits. The Harbor and Coastal Zone Management Commission shall approve, approve with conditions or disapprove an application for a perimeter permit. The approval, approval with conditions or disapproval of any application for a perimeter permit shall be by the majority vote of the Harbor and Coastal Zone Management Commission, using as a guide the following criteria:

(1) The proposal for which an application is made shall not result in:

(2) The proposal must provide adequate fairways for access to and from open waters.

(3) The proposal is consistent to the maximum extent practicable with the policies of the Local Waterfront Revitalization Program of the Village of Mamaroneck and the Harbor Management Plan contained within it, pursuant to Article VIII of this chapter.

(4) The proposal would not result in a significant, unmitigated adverse environmental impact.

H. Within 65 days of the close of the public hearing on the perimeter permit, the Commission shall approve, approve with conditions, or disapprove the application. The time within which the Commission is to act may be extended by mutual consent of the applicant and the Commission. Noncompliance with the time requirements herein shall be not be construed as a default approval.

I. Duration and revocation. A perimeter permit, upon approval, shall remain in effect for five years and may be renewed by the Harbor and Coastal Zone Management Commission for two additional five-year terms. As part of a renewal application, the applicant shall demonstrate compliance with the requirements of the permit and that there are no outstanding violations at the time of the renewal application.

J. Any party aggrieved by a decision of the Harbor and Coastal Zone Management Commission in disapproving a permit application or approving a permit application with or without conditions may take an appeal to the Supreme Court of the State of New York, County of Westchester, pursuant to Article 78 of the Civil Practice Law and Rules, within 30 days of the filing of the decision of the Harbor and Coastal Zone Management Commission with the Village Clerk.

ARTICLE VI. Construction and Reconstruction Permits

§ 240-21. Permit process for construction or reconstruction in Mamaroneck Harbor.

A. All marine structure construction or reconstruction within the harbor, including the replacement or alteration of a marine structure, is prohibited unless the party seeking to perform the same obtains a permit for construction or reconstruction.

B. An application for a permit for the construction or reconstruction of a marine structure within the harbor shall be submitted to the Building Department and, once determined that it complies in material respect with the applicable submission requirements, shall be referred by the Building Department to the Harbor and Coastal Zone Management Commission for review and determination.

C. Exemptions. Notwithstanding the provisions of the above Subsection A, no permit for marine structure construction or reconstruction shall be required under the following circumstances:

(1) Alteration of any existing marine structure where the estimated cost of construction is less than \$10,000. "Alteration" as used herein shall refer to activity respecting a single project, or collectively for any projects or portions thereof, over a one-year period, which relates to any marine structure under common ownership. Estimated cost shall be deemed or computed pursuant to § 126-14 of Chapter 126, Building Construction, as amended.

(2) Replacement of a marine structure in place and in kind, provided that the applicant can substantiate the previous structure with documents on file in the Building department. In no case shall the applicant use this exemption if the replacement cost is in excess of \$20,000.

(3) In the event that an existing marine structure is damaged by storm or other act of God, it may be replaced in kind without a permit, provided that the existence of said structure can be substantiated by proof to the satisfaction of the Harbor and Coastal Zone Management

Commission, and provided that said construction is completed within eighteen months from the date of the damage and the total replacement cost is less than \$30,000. Notwithstanding the aforementioned, no such dollar limit shall apply for the replacement of bulkheads.

D. Public hearing notification and review procedure for permit applications.(1) Upon receipt of a permit application that complies in material respect with all applicable submission requirements, the Building Department shall refer the application to the Harbor and Coastal Zone Management Commission for review and determination, and circulate the application to the Village's engineering consultant, Commission counsel and staff, other Commission consultants as determined to be necessary and appropriate, the Harbor Master, the Clerk-Treasurer and the Village Manager for their review and comment. The Harbor and Coastal Zone Management Commission shall calendar a public hearing for each application in accordance with the Commission's Rules of Procedure.

(2) All property owners within 400 feet of any boundary line of the applicant's property shall be notified, by regular mail at least 15 days prior to the public hearing, of said hearing date by the applicant, who shall provide proof to the Harbor and Coastal Zone Management Commission of such notification.

(3) Every applicant must post a notification sign on the property which is the subject of said application at least 10 days prior to the public hearing date and must maintain the posted sign in place until the Harbor and Coastal Zone Management Commission has rendered its final decision approving or denying said application. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public. A sign erected under this provision must be removed within 10 days after the Harbor and Coastal Zone Management Commission has rendered its final decision approving or denying said application.

(4) In the event that an application shall be withdrawn or become inactive, the applicant shall remove the sign within five business days of withdrawing the application or of receiving notice from the Harbor and Coastal Zone Management Commission that the application has been designated inactive. For the purposes of this section, any application which has not appeared on the Harbor and Coastal Zone Management Commission's agenda for six or more months shall be designated inactive. The Harbor and Coastal Zone Management Commission shall notify the applicant, in writing, that the application has become inactive and instruct the applicant to remove the sign until such time as the application shall be reactivated. Once the application is reactivated, the sign shall be posted within three days.

(5) Said sign shall be at least 30 inches by 20 inches in size, consist of sturdy and serviceable material containing a white background with black letters and shall read as follows, in legible lettering at least two inches high:

"ON THIS SITE A (describe action set forth in the application) IS PROPOSED. THIS MATTER WILL BE DISCUSSED AT A HARBOR AND COASTAL ZONE

MANAGEMENT COMMISSION MEETING ON (give date) AT (give time) AT (give location)."

The applicant shall update said sign at least two weeks prior to every Commission meeting in which the applicant's matter will be heard.

(6) Prior to the commencement of the public hearing, the applicant shall submit a sworn certification verifying placement and maintenance of the required notice sign. If the certification is not timely submitted, any scheduled public hearing shall be cancelled, subject to rescheduling, and any dispositive action by the Harbor and Coastal Zone Management Commission shall be deferred until timely certification is submitted. In the event of repeated or continued noncompliance with the sign posting and certification requirements, the application may be dismissed at the discretion of the Harbor and Coastal Zone Management Commission.

§ 240-22. Public hearings.

The Harbor and Coastal Zone Management Commission shall conduct a hearing on each application referred to it. Such hearing, unless for good cause shown, shall be at a regularly scheduled meeting of the Harbor and Coastal Zone Management Commission, no less than 3414 and no more than 62 days from the date of receipt of the complete application by the Harbor and Coastal Zone Management Commission from the Building Department.

§ 240-23. Consideration of application.

Within 65 days of the close of the public hearing on the construction or reconstruction permit the Harbor and Coastal Zone Management Commission shall approve, approve with conditions or disapprove the application. The time within which the Commission is designated to act may be extended by mutual consent of the applicant and the Commission. Noncompliance with the time requirements herein shall not be construed as a default approval. The Harbor and Coastal Zone Management Commission shall not approve an application for a permit if the Harbor and Coastal Zone Management Commission finds that the marine structure for which the permit was applied would, if erected, be detrimental to the desirability or development of the harbor by reason of:

A. Method and manner of construction: unsuitable materials, methods or design which can be reasonably expected to result in a marine structure that may fail to accomplish its stated and intended purpose or will present a safety hazard to any person utilizing the harbor for commercial or recreational pursuits.

B. Inappropriateness of marine structure: inappropriate size, design or material which will result in a marine structure that is ill-suited or ill-adapted to its stated and intended purpose or is reasonably anticipated to conflict with the lawful use of any existing marine structure in the harbor or any land-based structure located within 500 feet of the proposed marine structure.

C. Conflict with the Harbor Management Plan: a determination that approval of the marine structure would be inconsistent with or result in conflict with the Harbor Management Plan or any of the activities stated in this chapter.

D. An actual or potential hazard to navigation. No structure shall lie within a channel, mooring area, or an anchorage area, or their buffer area nor interfere with another's free and direct access to such waters. The buffer area may be reduced by up to 5 feet by the Harbor and Coastal Zone Management Commission upon a recommendation by the Harbor Master that practical difficulties unique to the location exist and a lesser buffer area will not result in a substantial interference to navigation.

E. Significant, unmitigated, adverse aesthetic or environmental impacts.

§ 240-24. Action on application and appeal process.

A. Upon approval by the Harbor and Coastal Zone Management Commission of a permit application in whole or in part or with conditions, the Building Department shall issue a permit to construct or reconstruct a marine structure. If the Harbor and Coastal Zone Management Commission approves a permit application with conditions, the Building Department shall include the conditions of the Harbor and Coastal Zone Management Commission in the permit.

B. The Building Department shall not issue any permit for a permit application disapproved as provided in this chapter.

C. The Building Department shall forthwith issue an order to stop all work of construction or reconstruction of any marine structure if an applicant proceeds after the application has been disapproved by the Harbor and Coastal Zone Management Commission or if the applicant proceeds in a manner inconsistent with the conditions or specifications under which the Harbor and Coastal Zone Management Commission approved the application or if a marine structure is constructed or reconstructed without obtaining the necessary permits as outlined in Articles V and VI.

D. Any party aggrieved by a decision of the Harbor and Coastal Zone Management Commission in disapproving a permit application or approving a permit application with or without conditions may take an appeal to the Supreme Court of the State of New York, County of Westchester, pursuant to Article 78 of the Civil Practice Law and Rules, within 30 days of the filing of the decision of the Harbor and Coastal Zone Management Commission with the Village Clerk.

E. With respect to marine structures, this section shall supersede the provisions of the Building Code and Chapter 126, Building Construction, as amended.

ARTICLE VII. Enforcement

§ 240-25. Enforcement generally; penalties for offenses; additional regulations.

A. Enforcement. The enforcing authority of Articles II through VI of this chapter shall be the Harbor Master, the enforcing authority of the Building Department, the members of the Village of Mamaroneck Police Department, the Police Bay Constables and any other official of the Village of Mamaroneck authorized to issue summonses and appearance tickets pursuant to Article 150 of the New York State Criminal Procedure Law.

B. Penalties for offenses.

(1) Any person, firm, association or corporation violating any of the foregoing provisions of this chapter shall be guilty of an offense and may, upon conviction, be punished by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both, for each and every day in violation.

(2) In addition, any person who has been convicted of a violation of § 240-14D(3) or § 240-18B(9) herein shall have any current permits revoked and may not be permitted to apply for or to receive permits for two years.

(3) Penalties for parking of vehicles in relation to use of the Harbor Island boat ramp and other permit parking areas designated in Harbor Island Park shall be subject to the enforcing authority as defined under 240-25A, with further provisions as set forth under Chapter 326, Vehicles and Traffic, Article VI, and §§ 326-39 and 326-66.

C. Appeals. The Village Manager of the Village of Mamaroneck shall be empowered to hear and decide appeals from and review any order, requirement, decision or determination made by the Harbor Master with respect to the issuance or revocation of mooring tackle and buoy permits or municipal dock permits as provided for in this chapter.

(1) Request for hearing. Upon the denial of a permit by the Harbor Master in connection with the issuance of a mooring tackle and buoy permit or municipal dock permit, or upon the issuance of a notice of revocation of any such permit, the aggrieved applicant may, within 10 days after receiving written notice from the Harbor Master, file an appeal, in writing, in the office of the Village Manager requesting a review of any such determination by the Harbor Master. The Village Manager shall hear and decide such appeals and may reverse or affirm, wholly or partly, or may modify the determination appealed from and/or make such determination and order which, in his or her opinion, should be made under the circumstances.

(2) Filing fee. Each request for a review of any order, requirement, decision or determination made by the Harbor Master with respect to the issuance or revocation of mooring tackle and buoy permits or municipal dock permits shall be accompanied by the required fee as set forth in Chapter A347, Fees.

(3) Hearing. Upon receipt of a request for a hearing as provided above, the Village Manager shall set a time and place for a hearing. Such hearing shall commence no later than 30 days after the date on which the request was filed, unless an extension of said time period is agreed upon by both the Village Manager and the aggrieved party. Failure by the Village Manager to commence said hearing within the above-specified time period shall not be deemed to constitute approval of such request if good and sufficient reason exists.

(4) Conduct of hearing. The applicant or his representative shall be given an opportunity to show cause why such decision by the Harbor Master should be modified or withdrawn. The burden of proof in this regard shall be upon said applicant or his representative, who shall be required to demonstrate by a fair preponderance of the evidence that the Harbor Master's decision should be withdrawn or modified.

(5) Findings. Upon consideration of the evidence presented, the Village Manager shall sustain, modify or revoke the Harbor Master's decision. Any decision of the Village Manager to sustain, modify or revoke the Harbor Master's decision shall be consistent with the Village's approved Harbor Management plan and any other applicable law.

D. Adoption of administrative regulations. In the event that administrative regulations are required for the safe and efficient maintenance of the harbor and related moorings and float facilities, the following procedure shall apply:

(1) Any proposed administrative regulation relative to Chapter 240 shall be submitted to and reviewed by the Harbor and Coastal Zone Management Commission, the Harbor Master, the Village Manager and the Village Attorney. Any comments by the Harbor and Coastal Zone Management Commission, the Harbor Master, the Village Manager or the Village Attorney shall be forwarded to the Village Board of Trustees for its review and consideration prior to the meeting at which the proposed regulations are considered for approval or disapproval by the Village Board of Trustees.

(2) Any proposed administrative regulation relative to Chapter 240 shall be approved or disapproved by the Village Board of Trustees.

(3) If proposed administrative regulations are approved by the Village Board of Trustees, said regulation shall be posted in five designated public places within the Village of Mamaroneck and shall be enforced by the Harbor Master.

E. Notwithstanding any provision in this Chapter to the contrary, the prohibition on structures lying within a buffer area (or the prohibition on mooring of vessels at structures within a buffer area), shall not apply if the owner of the structure possesses the valid federal, state and Village permits that were required at the time of construction authorizing the structure in its present configuration. Any such structure accidentally damaged or destroyed by storm or other natural casualty may be repaired or reconstructed as provided for in Section 240-21 above.

F. Structures lying within a channel, mooring area, or anchorage area, or their buffer area, and not exempt from enforcement pursuant to Section 240-25.E above, shall be removed or otherwise modified to comply with the provisions of this Chapter within one year of the enactment of this requirement.

ARTICLE VIII. Coastal Management

§ 240-26. Compliance required; consistency with other provisions.

A. No agency of the Village involved in an action as defined in §240-5 shall carry out or approve the action until it has complied with the provisions of this article.

B. Actions directly undertaken by agencies of the Village and actions approved by local agencies of the Village within the coastal area shall be consistent, to the maximum extent practicable, with the applicable coastal policies set forth in the Village of Mamaroneck Local Waterfront Revitalization Program, as adopted on November 13, 1984, and amended from time to time, so as to achieve a balance between the protection of natural resources and the need to accommodate the needs of population growth and economic development. It is intended that this balancing occur in the manner specified in §§ 240-27 through 240-30.

C. Nothing in this article shall be construed to authorize or require the issuance of any permit, license, certificate of determination or other approval which is denied by the agency having

jurisdiction pursuant to other provisions of law or which is conditioned by such agency pursuant to other provisions of law until such conditions are met.

§ 240-27. Review of actions required.

As early as possible in an agency's formulation of a direct action or as soon as an agency receives an application for approval of an action, the agency shall follow the review procedures set forth in this article.

§ 240-28. Coastal assessment form.

For direct agency actions, the agency shall complete, and for approval of an action, the agency shall cause the applicant to complete, a coastal assessment form (CAF). The CAF shall be completed at the inception of the action and prior to the agency's determination of the environmental significance of the action pursuant to the State Environmental Quality Review Act.

§ 240-29. Consistency Determination.

Prior to an action or approval of an action by an agency of the Village, such action shall be determined to be consistent, to the maximum extent practicable, with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program, as follows:

A. For actions undertaken, funded or approved by the Village Board of Trustees, the Board of Trustees shall determine whether the action is consistent to the maximum extent practicable with the policies of the Village of Mamaroneck Local Waterfront Revitalization Program. Prior to making its consistency determination, the Board of Trustees shall request a written recommendation regarding consistency from the Harbor and Coastal Zone Management Commission and provide the Commission with a copy of the CAF and the relevant materials supporting the action. The Commission shall render its written recommendation, setting forth the reasons upon which the recommendation is based, within 30 days of the referral from the Board of Trustees, unless such period is extended by the Board of Trustees for a direct action and consented to by the applicant if the action is not a direct action by the Board of Trustees. The Board of Trustees shall not be bound by the Commission's written recommendation but if it makes a contrary determination to the Commission's recommendation, the Board of Trustees shall set forth in writing the basis for its disagreement with the recommendation and state the manner and extent to which the action is consistent with the LWRP policy standards and, where applicable, address the applicability of the criteria set forth in subparagraph F of this section. In the event that the Commission's written recommendation is not provided within the specified time period, the Board of Trustees shall make its consistency determination without the benefit of the Commission's recommendation.

B. For the actions of all other Village agencies, except as otherwise provided in Section 240-29 H, the agency, upon the calendaring of an application on its agenda, shall forward a copy of the CAF, the application or a description of a proposed direct action, and supporting documentation to the Harbor and Coastal Zone Management Commission for its review.

C. The Harbor and Coastal Zone Management Commission shall place the application on its next available agenda for an informal discussion of the action and the LWRP policies relevant to the action. At that meeting, the Harbor and Coastal Zone Management shall determine if the CAF, the application or direct action description, and any supporting material submitted constitute sufficient information for the purpose of rendering its consistency determination. The Commission may comment on potential environmental impacts of the action, make preliminary suggestions regarding changes, if any, required for the action to be consistent with the LWRP and may request other material the Commission believes is necessary for a complete review. The Commission shall summarize this discussion in a memorandum to be sent to the approving authority for the action within 10 days after the meeting.

D. Within 65 days of receipt of notification from the approving authority for the action that (1) in accordance with the New York State Environmental Quality Review Act, (a) a Final Environmental Impact Statement for the action has been accepted as complete; or (b) a Negative Declaration for the action has been adopted; or (c) the action is not subject to SEQRA review but is otherwise subject to consistency review under this Chapter; and (2) the submission by the applicant of the latest plans and other materials the Commission deems necessary for its review, the Commission shall determine the consistency of the action as follows:

- (1) Whether the proposed action is consistent, to the maximum extent practicable, with the policies of the LWRP and, if so, whether it will advance one or more of said policies.
- (2) Whether the proposed action will substantially hinder the achievement of any policy of the LWRP or is otherwise not consistent with one or more of the policies of the LWRP.
- (3) If the question posed in Subsection D (2) is answered in the affirmative, the manner in which and the extent to which the hindrance or inconsistency is likely to result shall be specified.
- (4) If the question posed in Subsection D (2) is answered in the affirmative, the HCZMC shall state whether and how the requirements in section 240-29 F are met.
- (5) The Commission may also, in its discretion, suggest ways in which the purposes of the proposed action might be accomplished in a manner that would result in less hindrance or no hindrance to the policies and purposes of the LWRP and/or in greater advancement of them.

E. If a consistency determination is not made by the Commission within the period provided in subsection D above, or within any extension of time for review agreed to by the Commission and the applicant or agency undertaking the action, the Commission shall be presumed to have determined that the action is consistent to the maximum extent practicable with the policies and purposes of the LWRP.

F. If the action will substantially hinder the achievement of any policy, the consistency determination may find that the following four requirements are satisfied and that as a result the action is consistent, to the maximum extent practicable, with the policies and purposes of the LWRP:

- (1) No feasible alternatives exist which would permit the action to be taken in a manner which would not substantially hinder the achievement of such policy.
- (2) The action taken will minimize all adverse effects on such policies to the maximum extent practicable.
- (3) The action will advance one or more of the other coastal policies.

(4)The action will result in an overriding public benefit.

G. In considering its consistency determination, the Harbor and Coastal Zone Management Commission shall, as appropriate, identify the relevant standards or substantive requirements of Village laws identified as implementing the LWRP and may condition its consistency determination on the approval of the action as meeting those standards by the Village agency responsible for enforcing those standards.

H. For applications to or undertakings by Village agencies that do not constitute "actions" as defined in § 240-5, a consistency determination is not required. A consistency determination shall also not be required for those actions, including use and area variances before the zoning board of appeals, whose approval has been judicially determined to be governed exclusively by uniform standards established by state or federal law.

I. The Commission's consistency determination shall be filed in the Office of the Village Clerk within five (5) business days of its adoption and a copy thereof provided to the Village agency or agencies with jurisdiction over the action and mailed to the applicant. Failure to comply with this section shall not affect the validity of the Commission's determination.

§240-30 Planning Board Permit Required

In addition to all other required permits and approvals, a permit from the Planning Board shall be required for any building, structure or parking area otherwise requiring subdivision or site plan approval that is wholly or in part hereafter constructed, altered, enlarged and/or enclosed within 50 feet from the mean high-water line of Long Island Sound or any body of water which flows into Long Island Sound. A dock, mooring, breakwater or other structure which must, due to the nature of its use, be located on, in or immediately adjacent to the water shall be exempt from this provision. Application shall be made to the Planning Board on such forms as it shall require and shall be coordinated with the subdivision or site plan approval process. Notwithstanding any inconsistent provision of the Village Code, this provision shall not apply to normal maintenance or to the replacement in kind of any existing building or structure which has been damaged or destroyed by fire, storm or other casualty; however, damage or destruction due to neglect shall not be exempt from the requirement of a permit. The permit applicant shall demonstrate to the Planning Board's satisfaction that the encroaching building, structure, or parking area is water-dependent (based upon the criteria in the Village of Mamaroneck Local Waterfront Revitalization Program) or cannot reasonably be located elsewhere on the property. Water-dependent buildings or structures may include, as an illustration, marinas, cabanas, boat storage, and boat mechanics' work areas.

§ 240-31. Penalties for offenses.

Any person violating any of the provisions of this article shall be punishable, upon conviction thereof, by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.

ARTICLE IX. Harbor and Coastal Zone Management Commission

§ 240-32. Creation.

The Village of Mamaroneck, by this chapter, does create a permanent Harbor and Coastal Zone Management Commission, the function of which is to serve in an advisory capacity to the Village Board of Trustees in matters relating to the coastal area in the Village of Mamaroneck and the harbor and to manage the harbor in accordance with this chapter.

§ 240-33. Legislative intent.

In establishing the Harbor and Coastal Zone Management Commission, the Village Board of Trustees is aware that mutual concerns will be shared by the Harbor and Coastal Zone Management Commission and other nonelective Village boards and commissions as well as other public and private agencies. It is the intention of this chapter that the Harbor and Coastal Zone Management Commission will, in submitting its recommendations to the Village Board of Trustees on coastal zone and harbor management matters, seek out, cooperate with and avail itself of the experience and expertise of boards and commissions of the Village of Mamaroneck. In addition, the Harbor and Coastal Zone Management Commission will draw upon sources that are available on a state and county level and neighboring municipalities in order that it may assemble and disseminate the best possible work product for the benefit of the entire Village.

§ 240-34. Findings; goals and purpose.

A. The Village Board of Trustees is acutely aware that its harbor, coastline, waterfront and river tributaries, their use and their development are vital to the Village of Mamaroneck and its future. Additionally, the Village of Mamaroneck is concerned with the present and future uses in the development of the surrounding upland areas which affect the runoff, silting and riparian interests of the Village of Mamaroneck. The establishment of the Harbor and Coastal Zone Management Commission will enable the Village of Mamaroneck to protect and enhance its coastal zone as an integral part of the future development of the Village and achieve its long-range goals, which shall include but not be limited to the following:

- (1) The quality of the coastal environment, water and air quality, fish, wildlife, wetlands and natural areas shall be preserved, protected and enhanced.
- (2) Recreational opportunities shall be expanded, and open access to the waterfront shall be guaranteed for residents.
- (3) The present flooding and silting condition caused by flood tides and upland actions along the tributaries of the rivers traversing the Village must be carefully monitored and eliminated where possible.
- (4) Sedimentation of the harbor should be controlled and reduced.
- (5) The land adjacent to the tidal area of the coastal zone, which is one of the Village's principal assets, should be studied and a plan should be submitted to the Village Board of Trustees in order that it be used in such a manner as to contribute to the overall development of the Village, the economic vitality of the Village being likewise essential to the future of its coastal zone.
- (6) Upgrading the zoning in and around the coastal zone.

B. In establishing this article, the Village Board of Trustees recognizes that the present excellent quality of life within the Village is, in great measure, due to the present balance of land and water uses within the coastal zone. The Harbor and Coastal Zone Management Commission shall develop recommendations to the Village Board of Trustees in order that the Village Board of Trustees, by legislative acts, will achieve and guarantee that this present delicate balance is maintained.

C. In establishing this Harbor and Coastal Zone Management Commission, the Village Board of Trustees recognizes that the coastal zone is a delicate ecosystem. Pollution, destruction of marshlands and failure to protect fish and wildlife can destroy that ecosystem. The Village Board of Trustees, therefore, seeks the help and advice and the recommendations of the Harbor and Coastal Zone Management Commission, in conjunction with the Village boards and commissions, county agencies, state and federal governments and with the cooperation of Village residents, to recommend all possible actions to preserve the coastal zone.

D. The establishment of the Harbor and Coastal Zone Management Commission will enable the Village of Mamaroneck to implement a plan for the management of the Mamaroneck Harbor and coastal area.

§ 240-35. Membership and terms; representatives from other official bodies.

The Harbor and Coastal Zone Management Commission with the Village of Mamaroneck shall consist of seven members, who are residents of the Village and who shall be appointed by the Village Board of Trustees for terms of three years, each term to expire at the end of the official year of the Village, except that, of those first appointed, three shall be appointed to serve for three years, two shall be appointed to serve for two years, and two shall be appointed to serve for one year. The members of the Harbor and Coastal Zone Management Commission shall serve without compensation. Any vacancy on the Harbor and Coastal Zone Management Commission shall be filled for the unexpired term in the same manner in which the original appointment was made. The Chairperson of the Harbor and Coastal Zone Management Commission shall be appointed by the Harbor and Coastal Zone Management Commission. The Harbor Master shall be a nonvoting ex-officio member of the harbor and Coastal Zone Management Commission.

§ 240-36. Powers and duties:

A. The Harbor and Coastal Zone Management Commission shall have the following powers and duties:

- (1) To establish its own rules of procedure. Said rules of procedure shall be subject to approval by the Village Board of Trustees and the determination whether to grant such approval shall be made within four months after the Harbor and Coastal Zone Management Commission proposes said rules of procedure and submits them to the Board of Trustees for approval.
- (2) To establish a meeting schedule at intervals sufficient in number per year to accomplish the business of the Harbor and Coastal Zone Management Commission.
- (3) To keep minutes of its meetings and to submit the minutes to the Village Board of Trustees and for distribution to other Village boards and commissions as directed by the Village Board of

Trustees, and which minutes shall be made part of the official records of the Village of Mamaroneck.

(4) To pursue the policies contained in the Village of Mamaroneck Local Waterfront Revitalization Program as adopted by the Village Board of Trustees from time to time and to act in advisory capacity to the Village Board of Trustees and such other boards and commissions of the Village of Mamaroneck as the Harbor and Coastal Zone Management Commission may determine on matters relating to the coastal zone and environs in the Village of Mamaroneck as well as the uplands.

(5) To review proposed actions that may affect the coastal zone in order to determine their consistency with the Village of Mamaroneck Local Waterfront Revitalization Program provided for in §240-29.

(6) To consult with, advise and make recommendations to the Village Board of Trustees on all matters relating to the health and safety of people and the safety and security of facilities, marine structures and vessels on, in or using the harbor and the land, structures and facilities abutting the harbor, including, but not limited to:

- (a) The use and operation of vessels.
- (b) The erection of marine structures.
- (c) Dredging.
- (d) The anchoring, mooring and docking of vessels.
- (e) The storing of vessels.
- (f) Pollution and the prevention thereof.
- (g) The environment of the harbor.
- (h) All marine-related recreational and commercial activities in the harbor.
- (i) Safety and navigation.

(j) The functioning, performance and budget of the Harbor Master's Department.

(k) Utilization and development of the harbor.

(7) To recommend updates to the Local Waterfront Revitalization Program and its Harbor Management elements.

(8) To oversee the implementation of the Local Waterfront Revitalization Program as adopted by the Village Board of Trustees.

(9) To recommend to the Village Board of Trustees long-range plans relating to the harbor.

(10) To recommend to the Village Board of Trustees adoption or amendment of ordinances relating to the harbor.

(11) To consult with and advise the Chief of Police on matters relating to the Police Bay Constables.

(12) To consult with and advise the Fire Chief on matters relating to fire protection in the harbor.

(13) To consult with and advise the Recreation and Parks Commission on all matters of joint interest.

(14) To maintain liaison and consult with and advise appropriate federal, state and county officials on matters relating to the harbor.

(15) To submit to the Village Board of Trustees an annual report of the Harbor and Coastal Zone Management Commission's activities.

(16) To approve or disapprove requests for building permits for marine structures and perimeter permits in accordance with the provisions of this chapter.

B. The Harbor and Coastal Zone Management Commission shall be further charged with the responsibility and duty of having reviewed the Village of Mamaroneck Local Waterfront Revitalization Program as amended with a view of using said document as a guideline in order that it may establish meaningful dialogue between the Harbor and Coastal Zone Management Commission and the Village Board of Trustees and other boards and commissions of the Village, county, state and federal agencies. Further, the Harbor and Coastal Zone Management Commission shall assist the Village Board of Trustees and make recommendations to the Village Board of Trustees which may be contained in any subsequent study involving the Local Waterfront Revitalization Program for the Village of Mamaroneck.

C. The Harbor and Coastal Zone Management Commission shall, in conjunction with the assistance of the Village Manager, develop data and application for financial grants from the federal, state and county governments to undertake the various studies and to obtain outside professional assistance as discussed in the Village of Mamaroneck Local Waterfront Revitalization Program.

D. The Harbor and Coastal Zone Management Commission shall diligently pursue the implementation of New York State coastal zone legislation, maintaining close communication and dialogue with responsible state and county agencies and legislators.

§ 240-37. Retention of expert assistance.

The Harbor and Coastal Zone Management Commission may hire any consultant and/or expert necessary to assist the Harbor and Coastal Zone Management Commission in reviewing and evaluating any applications before it, the cost of which shall be borne by the applicant.

Section II. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section III. Effective Date

This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.