

Chapter 2: Waterfront and Related Property

§ 2-01 Definitions.

The following definitions are applicable to this chapter:

Barge. "Barge" means any vessel or other craft without propulsion power and designed chiefly for present use to transport cargo of any sort. A barge may or may not have a superstructure.

Commissioner. "Commissioner" means the Commissioner of the Department of Business Services.

Converted craft. "Converted craft" means any barge, vessel, houseboat or other craft, that is used or is designed for use as a theater, repair shop, for recreation, a residence, restaurant, studio, museum, training school, club, storage area or commercial business, or for any non-maritime activity.

Debris. "Debris" means any substance or material, whether on land or water, which is liable to become drift.

Discharge. "Discharge" means any spilling, leaking, dumping, pouring, emitting or emptying of drift or debris.

Drift. "Drift" means any substance or material, floatable or otherwise – including, but not limited to oil, sludge and oil refuse, gasoline, gas, offal, piles, lumber, timber, driftwood, dirt, ashes, cinders, mud, sand, dredged material, acid, chemicals, or any refuse – which may cause damage to any vessel or craft or which may obstruct the waters of the port of The City of New York, or which may be a hazard to any person, property or marine life.

Furtherance of navigation. "Furtherance of navigation" means the activity on waterfront property which involves ship building, ship repairing, boating, dry-dock facilities and similar uses.

Houseboat. "Houseboat" means any vessel or other craft with or without propulsion power and having a superstructure or substructure designed to be used principally for residential purposes. A houseboat may or may not have toilet, cooking, heating, lighting and/or bathing facilities.

Marginal street. "Marginal street" means any street, road, place, area or way adjoining or adjacent to any waterfront property and designated as a marginal street, wharf or place on a plan or map adopted pursuant to law.

Person. "Person" means any individual, party, trustee, firm, partnership, corporation, joint stock association, company, society, government agency, public authority, or other entity.

The port of the City of New York. "The port of the City of New York" shall include all the waters of the North River, the East River and the Harlem River, and all the tidal waters embraced within or adjacent to or opposite the shores of The City of New York.

Waterfront commerce. "Waterfront commerce" means the activity on waterfront property which encompasses the receipt of cargo or goods at the wharves, piers, docks or bulkheads from ships and their delivery to points inland, or the receipt of such cargo or goods at such wharves, piers, docks or bulkheads from points inland for shipment by ships, and shall include the temporary storage of such cargo or goods in the sheds or warehouses on such property pending their delivery or shipment.

Waterfront property. "Waterfront property" means all property whether owned by The City of New York or privately owned, fronting on all the tidal waters in the port of The City of New York and including all upland extending inshore to the property line of the first adverse owner and shall include such land under water extending outshore to the pierhead line or the property line, whichever extends furthest outshore. This term includes all property defined as "wharf property" below.

Wharf property. "Wharf property" means wharves, piers, docks and bulkheads and structures thereon and slips and basins, the land beneath any of the foregoing, and all rights, privileges and easements appurtenant thereto and land under water in the port of The City of New York, and such upland or made land adjacent thereto owned by The City of New York as is vested in or may be assigned to the Department of Ports and Trade.

§ 2-02 Use and Occupancy of Property Subject to Commissioner's Permission.

No person shall use or occupy any wharf property or any marginal street for any commercial enterprise, soliciting, recreation, peddling, drag racing, selling or offering for sale services, merchandise or commodities of any kind, or the holding of any public meeting, without the prior written permission of the Commissioner.

§ 2-03 Improvement and Alteration of Property and Marginal Streets.

(a) No person shall erect, place or maintain any building, platform, sign, advertising device or any construction or obstacle of any kind on or about any wharf property or marginal street without first obtaining a written permit from the Commissioner. Such a permit shall also be required for the erection, placing or maintaining any of such signs, structures or devices on any waterfront property when such signs, structures or devices are used in conjunction with, or in furtherance of, waterfront commerce and/or navigation.

(b) No person shall drive any piles or fill in or make any removal, dredging or demolitions of any kind on or about any waterfront property or marginal street without first obtaining a written permit from the Commissioner.

(c) No person unless otherwise authorized by law shall make any repairs, installations or alterations upon, make any opening in, or close any opening in a marginal street for any purpose without first obtaining a written permit from the Commissioner.

(d) Whenever there is any construction, alteration or demolition in progress for which a permit is required by this chapter or otherwise, a permit card bearing the permit number, plan number, description of work, and the location of the premises for which issued, shall be posted in a conspicuous location on the exterior of the structure or premises where the work is in progress so as to be visible for public inspection. Any permit card relating to any work on or about any marginal street shall be posted in a conspicuous location within a reasonable distance of the construction area so as to be visible for public inspection.

(e) No person shall display a permit card at any location or for any work other than that for which said permit card was issued.

(f) Any permit may be suspended or revoked upon expiration of any workman's compensation or other required insurance, or at the discretion of the Commissioner. A permit shall normally be revoked whenever the Commissioner shall have determined that an unreasonable delay has occurred in the completion of the work authorized by such permit.

(g) Any permit issued by the Commissioner under which no work has begun within one year from the date thereof shall be revoked unless otherwise directed by the Commissioner. Whenever a permit is revoked for any reason, no work for which a permit is required by this 66 RCNY § 2-03 shall proceed unless any application for a new permit shall have been approved and a new permit issued.

(h) Any application for a permit which has been disapproved entirely or in part and upon which no further action has been taken by the applicant within one year after the notice of disapproval was given shall be cancelled unless otherwise directed by the Commissioner. An application once so cancelled may be reinstated at the discretion of the Commissioner, provided such application complies with all provisions of the law in effect at the time reinstatement is granted.

(i) No person shall perform any work pursuant to a permit without complying with all conditions of the permit and without obtaining, in a form satisfactory to the Commissioner, the authorization and approval of any other governmental agencies concerned, as specified in the permit.

(j) No person shall use or occupy any structure, land, fill area, facility, or any area on or about waterfront property where work has been done or is underway, for which a permit is required, unless a certificate or letter of completion is issued by the Commissioner, or unless otherwise authorized in writing by the Commissioner.

§ 2-04 Maintenance, Repair, Reconstruction or Demolition and Removal of Privately Owned Waterfront Property and Deepening of Adjoining Water.

(a) No person owning, leasing, using or occupying any marginal street or waterfront property, or any wharves, piers, docks, bulkheads or structures wholly or partly thereon, shall knowingly maintain all or any portion thereof in an unsafe condition, or not in good repair, or in a condition which impedes or endangers any person or property. No person owning, leasing, using or occupying any other structure in the port of the City of New York used in conjunction with and in furtherance of waterfront commerce and/or navigation shall knowingly maintain all or any portion of the same in an unsafe condition, or not in good repair, or in a condition which impedes or endangers any person or property.

(b) Any person owning, leasing, using or occupying any waterfront property or marginal street, or any wharves, piers, docks, bulkheads or structures wholly or partly thereon, shall comply forthwith with all orders of the Commissioner to repair, reconstruct, maintain, fill in, demolish or remove all or any part of such property or anything therein or thereon to correct any condition determined by the Commissioner to be unsafe or not in good repair, or which impedes or endangers any person or property. Any person owning, leasing, using or occupying any other structure in the port of The City of New York used in conjunction with and in furtherance of waterfront commerce and/or navigation shall comply forthwith with all orders of the Commissioner to repair, reconstruct, maintain, fill in, demolish or remove all or any part of such structure or anything therein, to correct any condition determined by the Commissioner to be unsafe, or not in good repair, or which impedes or endangers any person or property.

(c) Any person owning, leasing, using or occupying waterfront property, or any wharves, piers, docks, bulkheads or structures wholly or partly thereon, shall comply forthwith with all orders of the Commissioner directing that the water near or adjoining such property be deepened, or that obstacles in the water be removed, by excavating or removing such obstacles or earth, mud, dirt or sand therefrom in such places, quantities and at such times as the Commissioner may determine as necessary to insure safety to any person or property.

§ 2-05 Dumping, Polluting or Obstructing Waters.

(a) No person shall dump snow or ice into the waters of the port of The City of New York, except at places designated in writing by the Commissioner.

(b) No person shall place, discharge or deposit by any process or in any manner on or about any waterfront property, marginal street or the waters of the port of The City of New York any drift or debris, except under the supervision of the United States Supervisor of the Harbor and with the prior written permission of the Commissioner.

(c) No person shall discharge or permit to be discharged into the port of The City of New York from any ship, steamer, vessel or craft, any drift or debris except at places and using devices authorized by law.

§ 2-06 Obstructing Waterfront Property.

(a) No person shall impede, encumber or obstruct in any manner the free access to, egress from, or use of any wharf property or marginal street with any merchandise, cargo, goods, refuse or other material, or with a vehicle or vessel of any type.

(b) Any person owning, chartering, operating, occupying or using any vessel, craft, barge, ship, floating structure or aircraft that sinks or is in danger of sinking or stranding on or about any waterfront property shall remove the same, together with any cargo, without delay.

(c) Whenever any waterfront property or marginal street shall be encumbered or obstructed in its free use or for navigation by merchandise or material not affixed to such waterfront property or marginal street, or by any automobile, wagon, truck or cart, or by any floating, stranded or sunken vessel or craft, and the owner, consignee or person in charge thereof shall fail to remove the same when directed by an order issued by the Commissioner, the Commissioner may employ such labor and equipment as may be necessary to carry out such order. The Commissioner may store such merchandise, material, automobile, wagon, truck, cart, vessel or craft in a warehouse or other suitable place at the expense of the owner. Such owner, consignee, or person in charge of the merchandise, material, or automobile, wagon, truck, cart, vessel or craft so removed or stored may redeem the same upon payment to the Commissioner of the amount of all expenses actually and necessarily incurred in effecting such removal together with any charges for storage, pursuant to § 22-109 of the Administrative Code.

(d) No person shall place any vessel, craft or structure which is sinking, or is in such condition that there is a danger of it sinking or stranding, at any waterfront property.

§ 2-07 Loading and Storage in Area Adjacent to Bulkhead.

No person shall load, unload, place, store or keep any cargo, goods, merchandise, materials, vehicles or equipment upon any waterfront property or marginal street except at places designated in writing by the Commissioner.

§ 2-08 Overloading.

No person shall move, transport, load, unload, place, store or keep any vehicle, equipment, cargo, goods, merchandise or material upon any waterfront property or marginal street in excess of the load limit fixed for such waterfront property or marginal street by the Commissioner.

§ 2-09 Time Limit for Goods on Wharf Property.

(a) No person occupying, leasing or using any wharf property or marginal street shall place, store or keep any cargo, goods, merchandise or material of any kind upon such property for more than ten (10) days, except with the prior written permission of the Commissioner.

(b) No person shall place, store or keep any cargo, goods, merchandise or material of any kind upon wharf property set aside by the Commissioner for general wharfage purposes for more than twenty-four (24) hours from the time it was loaded, unloaded, placed, stored or kept, except with the prior written permission of the Commissioner.

§ 2-10 Parking or Storing of Vehicles on Marginal Streets or Wharf Property.

(a) No person shall park, place, store or keep any motor vehicle, truck, cart, wagon, cargo, container, trailer or vehicle of any type on or about any marginal street or wharf property, except at places designated in writing by the Commissioner.

(b) The New York State vehicle and traffic law and the traffic rules and regulations of the City Department of Transportation are hereby established as rules and regulations of the Commissioner as though set forth herein in full, and shall be in effect on wharf property and on marginal streets.

§ 2-11 Hazardous, Flammable or Explosive Substances.

(a) No person shall load, unload, discharge, place, store or keep any material, fluid, gas or substance of any explosive, flammable, radioactive or hazardous nature upon any waterfront property or marginal street, except at locations designated in writing by the Commissioner, and upon complying with applicable rules and regulations of the United States Coast Guard, the Fire Department and the Department of Health of The City of New York, or

any other Federal, State or City agency.

(b) No person shall drain, remove or discharge gasoline, oil or any explosive, flammable or hazardous liquid, gas or substance from any vehicle upon any waterfront property or marginal street, except at locations designated in writing by the Commissioner and upon complying with applicable rules and regulations of the United States Coast Guard, Fire Department and the Department of Health of The City of New York, or of any other Federal, State or City agency.

(c) No person shall load, unload, place, store or keep upon any waterfront property or marginal street any vehicle which is in the course of shipment containing gasoline or other flammable material unless the Commissioner and the Fire Commissioner of The City of New York grant prior written permission.

(d) No person shall load, unload, discharge, place, store or keep sisal, jute, hemp, flax, coir, kapok or any similar vegetable or synthetic fiber upon any waterfront property or marginal street without giving advance notice in writing thereof to the Commissioner and without complying with the rules and regulations of the United States Coast Guard and the Fire Department of The City of New York.

(e) All persons shall comply forthwith with all orders of the Commissioner concerning the loading, unloading, discharge, placing, storing or keeping of the hazardous, radioactive or flammable materials, fluids, gases, or substances mentioned in this section.

(f) No person shall load, unload, discharge, place, store or keep sisal, jute, hemp, flax, coir, kapok or any similar vegetable or synthetic fiber upon any waterfront property unless the shed or superstructure is equipped with an automatic sprinkler system approved by the Commissioner and the Fire Commissioner and the substructure is protected according to the rules and regulations of the Fire Department of The City of New York.

(g) Any person who is the owner, lessee or user of any equipment fueled by liquified petroleum gas or gasoline, and used to handle sisal, jute, hemp, flax, coir, kapok or similar vegetable or synthetic fiber, shall equip such equipment with exhaust spark arrestors and carburetor traps.

§ 2-12 Berthing and Moving of Vessels.

(a) No person shall tie, anchor, or make fast any vessel, barge, ship, aircraft or floating structure at or about any wharf property or marginal street without the prior written permission of the Commissioner.

(b) Any person who is the owner, operator, master, charterer or person in charge of any vessel, barge, ship, aircraft or floating structure tied, anchored or made fast at or about any wharf property or marginal street shall move the same forthwith when so ordered by the Commissioner.

§ 2-13 Wharfage and Other Fees and Charges.

No person shall fail or refuse to pay upon demand to the Commissioner the rates established by the Commissioner for wharfage, crantage or dockage.

§ 2-14 Taxicabs and Porters.

(a) Any person who is a permittee, lessee, licensee, user or occupant of any wharf property or marginal street shall accord equal rights and privileges in the use of such property to all duly licensed taxicab operators and all duly licensed porters, subject to subdivision (b) of this section.

(b) The Commissioner may prescribe from time to time the terms and conditions upon which taxicabs or similar vehicles may, or may not, utilize or enter wharf property or marginal streets.

§ 2-15 Loading or Discharging Passengers.

(a) No passengers shall be taken aboard or discharged from a ship, barge, vessel, craft, floating structure or aircraft at or about any wharf property or marginal street except by prior written permission of the Commissioner.

(b) No passengers shall be taken aboard or discharged from a ship, barge, vessel, craft, aircraft or floating structure at or about any wharf property or marginal street occupied under lease or permit except by permission of such lessee or permittee, and in conformance with such lease or permit.

§ 2-16 Repairs to Vessels or Aircraft; Burning and Welding Equipment.

(a) No person shall make or cause to be made any repairs, except voyage repairs, on or for any vessel, craft, barge, ship, aircraft or floating structure on or about any waterfront property or marginal street without the prior written permission of the Commissioner.

(b) No person shall use or cause to be used, or place, store or keep on or about any waterfront property or marginal street, or use or cause to be used on any vessel, craft, barge, ship, aircraft or floating structure berthed at or about such property any machinery, equipment or appliance used for welding or burning without the prior written permission of the Commissioner and without complying with the applicable rules and regulations of The United States Coast Guard and the Fire Department of The City of New York.

§ 2-17 Smoking and Lighted Material.

No person shall smoke, possess or throw away any lighted match, cigar, pipe, cigarette or other lighted material while in or about any structure located on waterfront property (except a private dwelling as defined in § 4 of the Multiple Dwelling Law); or while on or about any vessel or other craft which carries as cargo any of the flammable or explosive substances or materials mentioned in 66 RCNY § 2-11 above, and which is tied, anchored or made fast at or about any waterfront property or marginal street; provided that the Commissioner and/or the Fire Commissioner of The City of New York may in writing from time to time designate portions of any of the aforementioned structures, locations, vessels or crafts where smoking may be permitted and may prescribe the types and locations of containers or receptacles into which such lighted material and such lighted matches, cigars or cigarettes shall be deposited.

§ 2-18 Converted Craft and Houseboats.

(a) No person shall tie, anchor or make fast on or about waterfront property, a marginal street or the waters of the port of The City of New York any houseboat or converted craft for any period of time without the prior written permission of the Commissioner. Such written permission shall not be granted without satisfying the Commissioner that all of the following requirements have been met:

(1) All provisions of the Building Code deemed applicable by the Commissioner shall be complied with. By way of example, and not limitation, such provisions may relate to heating, power, sewage, plumbing public assembly and general construction;

(2) All provisions of laws, rules and regulations of any governmental agency deemed applicable by the Commissioner to insure safety of persons or property shall be complied with. By way of example, and not limitation, such provisions may relate to air or water pollution, construction materials, sewage or waste disposal, sanitation, health, fire, safety, etc.;

(3) All applicable labor laws, rules and regulations shall be complied with, where work is to be performed on or about a houseboat or converted craft;

(4) All fire protection measures and equipment shall be as approved and authorized by the Fire Department of The City of New York;

(5) All provisions for tying, anchoring or making fast such houseboat or converted craft, or for providing gangplanks, heat or electrical connections, plumbing or any attachments from one houseboat or converted craft to any other vessel or to any point on waterfront property or a marginal street shall be adequate to insure safety to person and property; and

(6) Granting such permission shall be determined by the Commissioner to be consistent with the public interest and not in conflict with any plan or program for waterfront development.

(b) Any written permission granted under this section may be suspended or revoked by the Commissioner at his discretion whenever any of the conditions enumerated in paragraphs one through six of 66 RCNY § 2-18(a) above, are no longer satisfied, or whenever necessary to insure safety to persons or property.

(c) No person owning, chartering, occupying or using a houseboat or converted craft tied, anchored or made fast on or about waterfront property, a marginal street, or the waters of the port of The City of New York shall knowingly maintain such houseboat or converted craft, or any of its appurtenances or facilities, in an unsafe condition, or not in good repair, or in a condition which may endanger any person, or which impedes, encumbers or obstructs waterfront property or a marginal street in its free use or for navigation. Such persons shall comply forthwith with all orders of the Commissioner or the Fire Department of The City of New York directing that any such conditions be corrected or abated, or that such houseboat or converted craft be removed, pursuant to 66 RCNY § 2-06, or other applicable provisions of law.

(d) No person shall make any repairs, construction, installations, or alterations on or about any houseboat or converted craft, tied, anchored or made fast on or about waterfront property, a margin street or the waters of the port of The City of New York without first obtaining the written permission of the Commissioner, pursuant to 66 RCNY § 2-03 above. All such persons shall likewise obtain and exhibit upon demand the Certificate of Completion mentioned in 66 RCNY § 2-03 above, which is hereby made applicable in all respects to such work on such houseboats and converted crafts.

§ 2-19 Hindering or Impeding Inspections.

No person shall hinder or impede any authorized representatives of the commissioner from entering, for the purpose of making an inspection, any waterfront property or marginal street, or any vessel, barge, ship, or other craft tied, anchored, or made fast thereto, or upon the waters of the Port of The City of New York.

§ 2-20 Responsibility of Owners, Lessors and Charterers of Vessels and Waterfront Property.

Any owner or lessor of waterfront property or any owner, lessor or charterer of any houseboat, barge, converted craft, vessel, ship or craft, shall be responsible for the acts or omissions of any lessee, licensee, or employee thereon.

§ 2-21 Compliance with Laws, Rules and Regulations.

Any person while on or about any waterfront property or marginal street, or any owner, lessee, permittee, licensee, operator, user or occupant of such property, shall comply with all applicable laws, rules, and regulations of all departments, bureaus, agencies, boards or commissions of the United States of America, the State of New York and The City of New York.

§ 2-22 Penalties.

Any person violating or failing to comply with any of the foregoing rules and regulations shall be triable pursuant to Section 704(K) of the Charter before a judge of the Criminal Court of The City of New York and punishable by not more than thirty (30) days imprisonment or by a fine of not less than \$100 nor more than \$500, or both; or in the case of parking violations, before the Parking Violations Bureau, where required by law. Penalties for violations of these rules shall not be imposed in lieu of, but in addition to those fixed by other applicable provisions of law.