

## Chapter 4: Rules Governing Mooring Fields Under the Jurisdiction of the Department

### § 4-01 Application.

These rules apply to the permissible use of mooring fields in Sheepshead Bay, Great Kills Harbor and adjacent to the West 79th Street Boat Basin that are under jurisdiction of the Department. These rules supplement the general rules which govern the use of City park land set forth in chapters one and two of this title. To the extent that they are not inconsistent herewith, the rules set forth in chapters one, two and three of this title apply to the use of the mooring fields.

### § 4-02 Definitions.

**Boat Basin.** "Boat Basin" means the West 79th Street Boat Basin located in Riverside Park on the east bank of the Hudson River at West 79th Street in Manhattan.

**Chief Dockmaster.** "Chief Dockmaster" means the person appointed by the Commissioner that is responsible for the overall administration of marina division facilities and enforcement of Department policies and rules under the direction of the marina manager.

**Commercial Permit.** "Commercial Permit" means a permit to store, dock or launch a vessel used for commercial operations.

**Commissioner.** "Commissioner" means the Commissioner of the Department of Parks and Recreation or the chief executive officer of any successor agency.

**Department.** "Department" means the Department of Parks and Recreation of the City of New York or all successor agencies.

**Dinghy.** "Dinghy" means a vessel with a total length of fourteen feet or less.

**Dockmaster.** "Dockmaster" means the person who administers, manages or maintains the marina, piers and boat basin at the direction of the supervisory or chief dockmaster.

**Emergency.** "Emergency" means any situation which the Department determines threatens imminent personal injury or property damage.

**Marina.** "Marina" means the World's Fair Marina in Flushing Bay, located in Flushing Meadows Corona Park, Queens.

**Marina Division.** "Marina Division" refers to the Department of Parks and Recreation division responsible for managing, operating and maintaining recreational and commercial vessels usage at, but not limited to, division facilities and mooring fields.

**Marina Manager or Marina Administrator.** "Marina Manager" or "Marina Administrator" means the manager or administrator of the Department of Parks & Recreation Marina Division. The person appointed by the Commissioner that is responsible for the overall administration of marina division facilities and enforcement of Department policies and rules.

**Mooring fields.** "Mooring fields" means the areas that are designated by the United States Coast Guard as Special Anchorage Areas and are under the jurisdiction of the Department in Sheepshead Bay and Great Kills Harbor and the mooring fields adjacent to the 79th Street Boat Basin.

**Permit.** "Permit" means a permit to moor a vessel at a designated position in a mooring field.

**Permittee.** "Permittee" means the person whose name appears on a permit.

**Piers.** "Piers" means the piers located on the northern side of Sheepshead Bay, adjacent to Emmons Avenue in Brooklyn.

**Supervisory Dockmaster.** "Supervisory Dockmaster" means the person responsible for the administration of marina division facilities and enforcement of Department policies and rules under the direction of the chief dockmaster.

**Vessel.** "Vessel" means a floating craft of any kind including but not limited to a boat, sailboat, motor boat, dinghy, canoe and kayak.

**Waiting list.** "Waiting list" means a list of persons interested in obtaining permits, which shall be maintained by the Department.

### § 4-03 Inspections.

All vessels moored in the mooring field may be boarded by authorized officers of the Department or of other City, State and federal agencies if necessary to respond to an emergency, or as otherwise permitted by applicable law. It shall be a violation of these rules for a permittee to refuse to allow, prevent or interfere with such boarding.

### § 4-04 Permits.

- (a) No person shall place a mooring or moor a vessel in a mooring field without a permit from the Department.
- (b) A permit shall authorize the use of a mooring that meets the requirements of subdivision (a) of 56 RCNY § 4-07, the location of a mooring at a particular position in the mooring field, and the mooring of a particular vessel identified by size, type, registration number and mooring designation.
- (c) A permit shall be issued to the permittee named thereon and is not transferrable.
- (d) A permit shall not be issued for a vessel which is likely to cause injury to people or damage to property as determined by the Department or for a vessel which exceeds 65 feet in length. In any case, the vessel length shall be appropriate for the size of the associated mooring circle.
- (e) A permit will not be issued to an applicant who has any outstanding fees, charges, fines or civil penalties due the Department.
- (f) The applicant for a permit must be the owner or lessee of the vessel. A permit shall not be issued unless the applicant presents evidence that the vessel is (1) registered with the New York State Department of Motor Vehicles, or (2) registered with the appropriate agency of another state or (3) documented by the U.S. Coast Guard, or (4) the applicant has established vessel ownership. If the applicant is not the registered or documented owner of the vessel, the applicant must present evidence that he or she is the lessee of the vessel. If a permittee intends to replace a vessel, he or she must notify the Department in advance so the Department can determine whether the existing location and mooring are acceptable for the new vessel. The new vessel may not be moored until the Department grants a new permit. The Department shall reject a replacement vessel that is not registered with the Department of Motor Vehicles or registered with the appropriate agency of another state or documented by the U.S. Coast Guard, or where the applicant has not established vessel ownership. In cases in which the vessel is not fitted with an engine and is not required by the New York State Department of Motor Vehicles to be registered, the boat owner shall provide a bill of sale as proof of legitimate ownership or evidence of a lease.
- (g) An applicant who owns or leases more than one vessel may apply for more than one permit; applications for additional permits will be placed on the Department's waiting list until the Department determines that the number of vacant mooring positions exceeds the number of applications.
- (h) Notwithstanding the provisions of subdivisions (f) and (g) of this section, the Department may reserve a limited number of permits for moorings and issue them to (i) persons for use in connection with special events or other activities that promote the enjoyment by the public of the water for

educational, recreational, or entertainment purposes, or (ii) yacht clubs and marinas having water frontage in Sheepshead Bay or Great Kills Harbor for the accommodations of guest vessels of such yacht clubs and marinas, or (iii) other government entities as may be in the interest of the Department. No vessel shall be moored at such moorings for the accommodation of guest vessels of such yacht clubs or marinas for more than 15 consecutive days. Any such person, yacht club, marina, or other government entity that is issued a permit pursuant to this subdivision shall be subject to the provisions of this chapter to the same extent and in the same manner as the owner or lessee of a vessel who is issued a permit pursuant to this chapter.

(i) The term of a permit issued for the Sheepshead Bay or Great Kills Harbor mooring fields is for one year commencing May 1. The term of a permit issued for the West 79th Street Boat Basin mooring fields is for six months commencing May 1. The Department may also issue transient permits for a term to be determined by the Department on a case-by-case basis.

(j) Permittees must submit a written application for the renewal of permits issued for a term of one year no earlier than 90 days and no later than 30 days prior to the expiration of an existing permit. If a permittee does not use the mooring for at least four of the months of May through October, he or she will not be given priority for a renewal unless written notification of extended absence is given to the Department prior to July 1. All outstanding fees, charges, fines, and civil penalties due the Department must be paid before a renewal application will be considered.

(k) The chief dockmaster may revoke, terminate, or refuse to renew any permit issued pursuant to this chapter (1) where the applicant for renewal or permittee has been found liable in a proceeding before the Environmental Control Board or in a court of violating any provisions of these rules or the rules set forth in chapters one and two and, in the case of vessels moored adjacent to the boat basin and piers, chapter three of this title, (2) where the applicant for renewal or permittee has failed to pay any fees, charges, fines or civil penalties within ten days of receipt of written notice from the Department or (3) as provided in subdivision 1 of this section, in accordance with the needs or requirements of the Department or the interests of the City as determined by the Commissioner. The Department shall send by certified mail notice of the intention to revoke, terminate, or refuse to renew a permit and the reasons therefor. In the event that a mailing address is unknown or mail is returned undelivered, such notice may, in lieu of mailing, be posted in a conspicuous place on the vessel. A permittee or applicant for renewal may file written objections with the Commissioner within 15 days from the date of such mailing or posting, whichever is later. After considering any objections raised by the applicant or permittee, the Commissioner shall make a final determination whether to affirm or reverse the chief dockmaster's determination to revoke, terminate or refuse to renew the permit and shall provide notice of such determination to the permittee or applicant in the manner provided herein.

(l) Nothing in this chapter shall be construed to create a property right in any permit. All permits issued by the Department are by their nature terminable at will by the Commissioner in accordance with the needs or requirements of the Department or in the interests of the City as determined by the Commissioner.

(m) The Department may impose reasonable conditions on the issuance of a permit to protect public safety and to safeguard the interests of the City, including but not limited to a requirement that the permittee or applicant have his or her mooring inspected or obtain appropriate insurance and submit satisfactory evidence of having complied with such conditions.

(n) Where a permit is revoked, terminated or not renewed, the vessel and all parts of the mooring, including anchors, chains and buoys, must be removed from the mooring field within 30 days after notice by the Department to remove the same is sent by certified mail to the applicant or permittee. In the event that a mailing address is unknown or mail is returned undelivered, such notice may, in lieu of such mailing or hand delivery, be posted in a conspicuous place on the vessel. Where the vessel and mooring are not removed within 30 days after the mailing or posting of such notice, whichever is later, the Department may remove the vessel and mooring or cause the same to be removed from the mooring field. The permittee or owner shall be liable for the costs of removal and storage of the vessel and mooring, payable prior to release of the same. Any vessel or mooring removed from the mooring field that is not claimed within 30 days may be deemed to be abandoned and shall be treated in accordance with applicable law.

(o) Every applicant and permittee must provide the Department with a day and evening telephone number as well as an e-mail and/or mailing address in writing at which he or she may receive notice required by these rules or other applicable law. Any changes in telephone number, e-mail, or mailing address must be reported in writing to the Department within 10 days.

#### **§ 4-05 Waiting List.**

The Department shall maintain a waiting list for the issuance of permits, which shall be available upon request from the Department.

#### **§ 4-06 Conduct and Clean Boating.**

(a) No person at any mooring field shall urinate or defecate into the water. No person shall use a toilet that discharges into the water without marine sanitation devices approved by the New York State Department of Environmental Conservation.

(b) Composting toilet systems are not permitted.

(c) All vessels with waste holding tanks must discharge waste through the pump out station or by other methods approved by the New York State Department of Environmental Conservation.

(d) No person shall discharge into the water or on the docks and walkways any oil, spirits, drift, debris, inflammable liquids, rubbish or refuse.

(e) No person shall bring or park a motor vehicle on the promenade or docks without the prior written approval of the dockmaster.

(f) No person shall make or cause or allow to be made unreasonable noise in the mooring field so as to cause public inconvenience, annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivity or injures or endangers the health or safety of a reasonable person of normal sensitivity. The Department may restrict the outdoor use of radios, record players, compact disc players, television receivers, tape recorders, digital music players and other sound reproduction devices after 11 p.m. Sunday through Thursday and after 12 p.m. on Friday and Saturday.

(g) No person shall make an open fire on any vessel while alongside any dock or within the confines of the mooring fields.

(h) Garbage shall be placed in plastic bags and deposited in designated receptacles.

(i) No person shall store or use any machinery or equipment for welding or burning where such storage or use is prohibited by the fire code or other law or rule.

(j) No person shall ride or store a bicycle or other vehicle on the walkways and docks.

(k) Any person who engages in disorderly behavior as defined in 56 RCNY § 1-04(i), paragraphs (6), (7) and (9), in addition to any other applicable penalties, be expelled immediately from the marina facility.

(l) No person shall run or skate on the dock.

(m) No person shall swim, dive, or fish from vessels, docks, or finger piers, except in areas specifically designed for such purposes.

(n) No person shall leave any entrance gate to the marina or boat basin open or unlocked.

(o) No person shall admit someone unfamiliar to themselves into the marina or boat basin. Any unfamiliar person is to be directed to the marina or boat basin office.

(p) No person shall advertise from a vessel while docked or moored at a Department facility.

(q) The New York waters of the Hudson River are an Environmental Protection Agency (EPA) designated "No Discharge Area" (NDA). No person shall discharge any boat sewage from a holding tank or portable toilet or use a direct discharge toilet anywhere in the river, from the Battery to Troy Dam. All sewage must be emptied at a pumpout station.

(r) On water bodies that are not designated NDA, boaters must discharge treated sewage from a Type I or Type II United States Coast Guard certified Marine Sanitation Device (MSD) unless at least three nautical miles or more from shore.

(s) No person shall transport cans of fuel on marina, piers, or boat basin docks or piers unless authorized by the dockmaster in the dockmaster's reasonable discretion. Vessels must fuel at gas docks.

(t) As per New York State Department of Environmental Conservation regulations, vessel owners must receive pre-approval from the dockmaster before applying anti-fouling paint to their vessel. Paint scrapping must be disposed of in designated areas. Containment systems must be used and boat maintenance may not be performed near water or sewer drains.

(u) Hoses and water lines must be turned to the closed position upon completion of use. Water lines must never be left running unattended or for extended periods of time.

(v) No person may offer or provide any form of tip, money, gift or any other gratuity to any City employee at any facility. No person may procure any services from Department staff except as specifically allowed under these rules. Violations of this provision will result in termination of any permit and will bar the violator from any Department facility for a minimum of 24 months. Objections to termination of a permit or denial of permit eligibility shall be available under subdivision n of 56 RCNY § 3-06.

#### **§ 4-07 Mooring of Vessels.**

(a) All vessels moored at the boat basin shall be secured to the mooring provided by not less than two mooring bridles. The boat basin provides mooring lines at the beginning of the summer season. The permittee is expected to maintain or replace lines as needed throughout the season. All vessels at the Sheepshead Bay or Great Kills Harbor mooring fields shall be secured by moorings meeting the following requirements:

(1) The anchor, chain and pendant of all moorings shall meet the following requirements:

(A) the anchor scope shall be at least three times the distance from the land under the water of the harbor to mean high water;

(B) the pendant safe working load shall be at least four times the anchor weight;

(C) the anchor type shall be either mushroom or navy;

(D) (i) if the vessel length is 15 feet or less, each anchor shall weigh at least 100 pounds and be connected to a buoy by a metal chain no less than  $\frac{5}{16}$  inches in diameter, and the pendant shall be at least 4 feet in length; (ii) the vessel length is greater than 15 feet but not greater than 21 feet, each anchor shall weigh at least 150 pounds and be connected to a buoy by a metal chain no less than  $\frac{3}{8}$  inches in diameter, and the pendant shall be at least 8 feet in length; (iii) if the vessel length is greater than 21 feet but not greater than 26 feet, each anchor shall weigh at least 200 pounds and be connected to a buoy by a metal chain no less than  $\frac{3}{8}$  inches in diameter, and the pendant shall be at least 10 feet in length; (iv) if the vessel length is greater than 26 feet but less than or equal to 65 feet, each anchor shall weigh no less than 10 pounds per foot of vessel length and be connected to a buoy by a metal chain no less than  $\frac{1}{2}$  inch in diameter for each anchor weighing no more than 400 pounds, or not less than  $\frac{5}{8}$  inches in diameter for each anchor weighing more than 400 pounds, and the pendant shall be at least 10 feet in length.

(2) Moorings in the special anchorage area in Sheepshead Bay shall be secured by two anchors. Moorings in all other mooring fields shall be secured by one anchor, provided, however, that the Department may require the use of two anchors in any mooring field in order to provide additional positions at which moorings may be located or to enhance the safety of existing mooring locations.

(3) Mooring buoys shall be spherical, made of a hard plastic outer shell and filled with foam. Mooring buoys shall be capable of transmitting the strain exerted on the rode through its center. The buoys shall be of a size that, given the weight of chain to be suspended and the strain expected to be exerted on the rode, there shall be at least 12 inches of the buoy exposed above the surface of the water.

(4) Buoys shall be painted with the permit number and the mooring location in black block letters no less than three inches high.

(5) Fixed mooring piles or stakes are not permitted.

(b) Vessels must be moored at locations designated by the Department. The location assigned to the permittee shall be determined by the Department based on vessel size, type, water depth and safety considerations. No vessel shall be moored in such a manner as to interfere with the use of a duly authorized mooring location or regular traffic channel. Mooring locations may not be changed or exchanged without the prior written approval of the Department.

(c) All vessels shall be adequately tied to their moorings and shall have sufficient lines to secure the vessel in all wind and weather conditions. The Department may affix additional lines as necessary to ensure the safety of people or property.

(d) All parts of the mooring, including the buoys, anchors and chains, shall be supplied and installed by the permittee and shall remain the property of the permittee at the mooring fields at Sheepshead Bay and Great Kills Harbor.

(e) Moorings shall be inspected for deterioration at least every two years and repaired or replaced if necessary. The Department may require, as a condition of renewing a permit, evidence that an inspection has been made, including a description by the person who made the inspection of the condition of the mooring and the qualifications of such person to make such inspection.

(f) Vessels and moorings may be temporarily relocated in an emergency or to accommodate dredging or other work in the mooring field. When a vessel or mooring must be removed to accommodate such work, the Department will give the permittee or owner 45 days written notice to remove the vessel or mooring. If the vessel or mooring is not removed within 45 days, the Department may remove the vessel and mooring, or cause the vessel or mooring to be removed and recover all costs associated with moving and storage from the permittee or owner.

(g) Vessels which are improperly secured to the wrong mooring or area may be towed to the assigned mooring by the Dockmaster or marina division staff and the appropriate Labor Rate shall be charged to the owner of such vessel.

#### **§ 4-08 Condition of Vessels.**

All vessels in the mooring field and all equipment thereon must be maintained in good order and free of any hazard to persons or vessels. All vessels in the mooring field shall comply with all federal, state and local laws, rules and regulations concerning the condition of vessels and equipment.

#### **§ 4-09 Operation of Vessels.**

No vessel within a mooring field may be navigated at a speed in excess of 5 miles per hour. Any person operating a vessel in a mooring field shall comply with all federal, state and local laws, rules and regulations concerning the safe operation of vessels, including the Inland Navigational Rules (33 U.S.C. §§ 2000 et seq.). No vessel may pull up to or depart a mooring or transit through a mooring field using sail as the sole source of motive power.

#### **§ 4-10 Required Safety Equipment.**

All vessels in the mooring fields must have on board at all times all equipment required by the Coast Guard or by any other federal, state or local law, rule or regulation.

#### **§ 4-11 Sunken, Abandoned or Delinquent Vessels and Dinghies.**

(a) The dockmaster may require that any vessel or dinghy which sinks be removed from the facility until appropriate repairs are made. A sunken vessel or dinghy shall be removed from the mooring fields within 48 hours after oral or written notice by the Department to remove the vessel or dinghy. Upon request of the permittee or the owner of the vessel or dinghy, the Department may, in writing, extend the time for removal of the vessel or dinghy. If the vessel or dinghy is not removed within the allowed time, the Department may remove the vessel or dinghy or cause it to be removed and may recover the cost associated with removal and of storage or disposal of the vessel or dinghy from the permittee or owner of the vessel or dinghy. If the Department determines that a sunken vessel or dinghy is discharging pollutants into the water or causing any other kind of an emergency, the Department may take action to stop the cause of pollution and may remove or cause the vessel or dinghy to be removed, without prior notice to the permittee or owner of the vessel or dinghy, and recover all costs associated with removal and storage or disposal of the vessel or dinghy from the permittee or owner of the vessel or dinghy.

(b) In the event that the permittee or vessel owner fails to pay for a permit or the repair and service of such vessel and equipment, the Department may detain the vessel until such sum is paid. In the event that such outstanding sum is not paid in full within 90 days, the Department may secure such vessel with chains and/or locks, or cause such vessel and equipment to be moved to a non-active slip or pier, be disposed of as abandoned property, or be sold at auction. The permittee will be responsible for all costs related to storage of the vessel, disposal, and all outstanding obligations.

#### **§ 4-12 Dinghies, Kayaks and Canoes.**

A permittee may store one dinghy, kayak or canoe under 14 feet in length on or alongside the permitted vessel without obtaining a separate permit for such dinghy, kayak or canoe. In all other cases, including but not limited to personal watercraft, a separate permit must be obtained for each vessel.

#### **§ 4-13 Orders.**

The Department may issue any orders which may be necessary or appropriate to enforce compliance with these rules or the rules set forth in chapters one and two and, in the case of vessels moored adjacent to the marina, piers or boat basin, 56 RCNY Chapter 3. It shall be a violation of these rules to fail or refuse to comply with such orders.

#### **§ 4-14 Unlawful Use of Vessel.**

No person shall permit or cause any vessel or any portion thereof to be used or occupied for an illegal purpose.

#### **§ 4-15 Penalties.**

In addition to any penalties provided for in this chapter, violations of these rules shall be punishable as provided in 56 RCNY § 1-07.

#### **§ 4-16 Commercial Mooring Permits; Fees.**

(a) Commercial mooring permits may be issued at the boat basin to operators of commercial vessels upon terms to be determined by the Commissioner. The Commissioner is authorized to exempt holders of these commercial permits from the rules set forth in 56 RCNY Chapter 3 and 56 RCNY Chapter 4.

(b) Permit fees are strictly in accordance with published schedules. Permit fees at the 79th Street Boat Basin shall be paid in advance to cover the full boating season. No refunds shall be made in any instance. Charges for all services shall be paid within 15 days of receipt of billing or a 2% late fee shall be assessed each month. No cash will be accepted for transactions. All boat basin transactions must take place in the marina office. Depending on available space, summer seasonal customers at the boat basin may be allowed to arrive prior to May 1 and/or depart after October 31. In such instances, a half-month pro-rated charge, based on the associated six-month summer permit, will be applied from April 15 to April 30 and/or from November 1 to November 15. Any seasonal permittee arriving prior to April 15 and/or departing after November 15 will be billed the daily transient rate for the period of time at the boat basin prior to April 15 and/or after November 15. Extensions are solely at the discretion of the dockmaster, marina manager or marina administrator. Pro-rated charges for monthly moorage services of three months or more may be authorized by the dockmaster, marina manager or marina administrator. All requests for pro-rated charges for services are subject to Department approval. Pro-rated charges will not be applied for any services with a waiting list. Permitted seasonal mooring customers moored to a painted transient mooring buoy without prior authorization from the dockmaster, marina manager or marina administrator will be billed at the transient mooring rate for each day they are on a transient mooring. Mooring at West 79th Street Boat Basin (May 2012 and subsequent years)

\$30/day

\$180/week

\$1,550/season