

(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~~ of YORKTOWN
~~Town~~
~~Village~~

Local Law No. 35 of the year 19 91.

A local law enacting a new Chapter 32 of the Code of the Town of Yorktown
(Insert Title)

known as the Motorized Boating Law.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of YORKTOWN
~~Town~~
~~VILLAGE~~ as follows:

Section 32-1. Title.

Chapter 32 of the Code of the Town of Yorktown is hereby repealed and a new chapter 32 is hereby enacted. This local law shall be known as the "Motorized Boating Law of the Town of Yorktown." It is a local law regulating the operation and speed of motorized boats on the waterways of the Town of Yorktown.

Section 32-2. Enabling Authority.

This Chapter is enacted pursuant to the municipal Home Rule Law and any and all applicable laws, rules and regulations of the State of New York; nothing contained herein shall be deemed to conflict with any such laws, rules or regulations.

Section 32-3. Findings of Fact.

It is hereby found that the use of motorized boats on waterways within the Town of Yorktown presents a safety hazard to other users. The waterways where motorized boating currently takes place are also used for swimming, rafting, sailing, fishing from smaller boats and recreational boating from inflatable watercrafts. The relatively small size of the subject waterways forces motorized boating to overlap with these other uses. From a safety perspective the fast speed and resultant wake associated with the large motorized boats is incompatible with these other uses.

Additionally, recent scientific studies indicate that motorized boating can adversely impact lake ecology. Potential ecological impacts include degradation of water quality, sediment quality alteration, shoreline impacts, fauna disturbance and impacts on fish, waterfowl and other aquatic wildlife. The extent of these impacts depend, in great part, upon the characteristics of the particular lake ecosystem.

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

The adverse impacts of motorized boating are increased in the relatively shallow and small water bodies and lakes of the Town of Yorktown. The lakes within the Town are currently experiencing advanced eutrophication and serious pollution problems due, in large part, to the pressures of civilization. While non-point source pollution is a major cause of these problems it is very difficult to control. On the other hand, motorized boating, which can retard lake management and clean-up efforts, can be effectively controlled.

The impact of motorized boating on lake ecology is directly related to the properties of the engine, i.e., size and speed. Boats equipped with larger motors can cause the resuspension and recycling of previously settled nutrients from the lake bottom or thermocline region. This can decrease the beneficial impact of chemical applications intended to improve water quality. Moreover, the interaction between larger motors and shallow water depth can cause high levels of turbidity, causing unacceptable water clarity. Additionally, substances discharged from motors can be toxic to fish and other aquatic organisms.

Based on the above, it is found that the negative influences of motorized boating on safety and lake ecology outweighs its recreational benefits.

Section 32-4. Legislative Intent.

It is declared to be the intent of the Town of Yorktown to regulate the use and operation of motorized boats on the lakes and waterways of the Town of Yorktown. The purpose of this regulation is to promote the public health, safety and general welfare and to protect the general ecology and water quality of these water bodies.

Section 32.5. Use and Operation of Motorized Boats.

The term "boat" shall include a jet ski or any other one or two person motorized watercraft.

On all waterways where motorized boats are permitted, no boat shall be powered or operated with an engine greater than five (5) horsepower. However, a motor up to twenty (20) horsepower may be used for water quality testing or clean-up efforts pursuant to a comprehensive lake management program. Motorized boats shall be operated in a prudent manner so as not to interfere with the free and proper use of such waterways by others.

Section 32-6. Compliance with Rules and Safety Requirements.

Motorized boat operators shall comply with all rules, regulations, laws and ordinances of any agency having jurisdiction thereover with respect to safety requirements while any motorized boat is actually being operated upon any waterway of the Town of Yorktown.

Section 32.7. Hours of Operation on Town Waterways.

No motorized boat shall be operated upon any Town waterway between the hours of 8:00 P.M. and 7:00 A.M inclusive.

Section 32.8. Mufflers.

The exhaust of every motorized boat operated on any waterway of the Town shall be effectively muffled.

Section 32.9. Penalties for Offenses.

Any person convicted of having violated or disobeyed any provision of this Chapter shall be punishable by a fine of not less than five hundred (\$500.00) dollars and/or a term of imprisonment of not more than fifteen (15) days. Each consecutive day of the violation may be considered a separate offense. The term "Person" as used herein, shall mean a natural person or a corporate person.

Section 32.10. Effective Date.

This law shall take effect immediately upon its filing in the office of the Secretary of State of New York, in accordance with the provisions of the municipal Home Rule Law.