

**DRAFT #1**

**VILLAGE OF OCEAN BEACH, NEW YORK  
BOARD OF TRUSTEES**

Local Law No. 2 of 2023

A LOCAL LAW TO AMEND  
CHAPTER 106 OF THE  
VILLAGE CODE  
CONCERNING WATER  
TAXIS, WATER LIMOS AND  
CHARTER BOATS

**BE IT ENACTED**, by the Board of Trustees of the Village of Ocean Beach,  
as follows:

The Code of the Incorporated Village of Ocean Beach, County of Suffolk, New  
York, is amended by:

[New Language]

~~[Old Language]~~

**Section 1. Amendment.** Amend Chapter 106 of the Village Code by adding the  
underlined words and deleting the strikethrough words as follows:

**ARTICLE I – WATER TAXIS, WATER LIMOS & CHARTER BOATS**

**§ 106-1 Legislative Intent**

It is hereby declared to be the policy of the Village Board of Trustees to regulate  
charter boats, ~~and~~ water taxis and water limos landing and picking up or discharging  
passengers within the Incorporated Village of Ocean Beach or along the shoreline  
thereof or within 1,500 feet of the shoreline thereof or any place in the water above  
where the bay bottom is owned and/or leased by the village in order to ensure the  
safety of the inhabitants of the village and to avoid overuse of village facilities and  
to prevent interference with the authorized ferry schedule of the village, the  
preservation of which is necessary for the well-being of the village's inhabitants.

§ 106-2**Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CHARTER BOAT**

A watercraft for hire with legal capacity, as defined by the United States Coast Guard, of more than 25 persons, either on a scheduled or unscheduled run, including a party boat but excluding watercraft owned by any person providing regular ferry service to the incorporated Village of Ocean Beach pursuant to a valid contract with the village.

**OPERATOR**

Any person who owns, controls, navigates, directs or supervises a water taxi or charter boat.

**WATERCRAFT**

A vessel used or capable of being used as a means of transportation in, over or upon water, including nondisplacement craft.

**WATER LIMO**

A water taxi the capacity of which is limited to eight persons and which is limited to making 10 landings per day at a Village dock.

**WATER TAXI**

A watercraft for hire with legal capacity of no more than 37 persons, either on a scheduled or unscheduled run, but excluding watercraft owned by any person providing regular ferry service to the Incorporated Village of Ocean Beach pursuant to a valid contract with the village.

§ 106-3**License required.**

No person shall operate a water taxi, water limo or charter boat within the Incorporated Village of Ocean Beach or along the shoreline thereof or within 1,500 feet of the shoreline thereof or any place in the water above where the bay bottom is owned and/or leased by the village without first having obtained a license therefor issued by the Village Clerk after the approval thereof by the Board of Trustees of the village. No license shall be issued hereunder unless the applicant complies with the provisions of this article.

§ 106-4**Application for license.**

**A.**

Applications for licenses to operate a charter boat, water taxi, or water limo within the Incorporated Village of Ocean Beach or its shoreline or within 1,500 feet thereof or any place in the water above where the bay bottom is owned and/or leased by the village shall be made to the Board of Trustees on any form as may be promulgated by the Board requesting such information as the Board may deem appropriate. Said

application shall be accompanied by the fees set forth in § **106-6** hereof, all insurance certificates required in § **106-10** hereof and all Coast Guard licenses and inspection certificates required by § **106-8** hereof.

**B.**

Applications for permission to operate a water taxi or water limo shall be made on or before December 31 of the calendar year prior to the calendar year for which a license is sought or at least 60 days prior to any landing or docking for the purpose of discharging or picking up passengers. Applications for permission to operate a charter boat shall be made at least 30 days prior to the day for which permission is sought. The time provisions for application may be waived by the Board of Trustees in its sole discretion at the time of any public hearing regarding any application.

§ 106-5 **Approval of application.**

**A.**

Time for approvals. The Board of Trustees shall hold a public hearing upon an application under § **106-4** hereof at least 30 days before the date sought for permission. This time period may be waived by the Board of Trustees in its sole discretion.

**B.**

Considerations and conditions for approvals. In determining whether to grant or deny a license, the Board of Trustees shall consider, in addition to the requirements of this article, the convenience, safety and health of the inhabitants of the village, the effect upon the licensed ferry service of the village, whether permission for landing of the charter boat ~~or~~ water taxi, or water limo serves the public interest, the extent to which the facilities and services of the village may be burdened, the safety of the proposed landing site, the time of the landing in conjunction with the above factors and any other factor or factors which are reasonable in the judgment of the Board of Trustees. The Board of Trustees may condition its approval of a license hereunder upon any factors it considers reasonable, including but not limited to strict compliance with permitted hours of operation as set forth in § **106-11B** and **C** herein and upon compliance with such rules and regulations that the Board may, from time to time, adopt after a public hearing thereon. Failure to comply with such permitted hours of operation may be cause for the revocation of a license by the Board of Trustees after a public hearing upon at least five days' written notice to the operator of a charter boat, ~~or~~ water taxi or water limo. The operator of a charter boat, ~~or~~ water taxi or water limo and any person permitting the landing of either at or upon his property shall be responsible for making reasonable efforts to ensure that no persons who are disorderly are permitted to disembark within the village.

§ 106-6**Fees for license applications; fees for landing.**

[Amended 5-31-2003 by L.L. No. 2-2003]

**A.**

Fees for license applications for a charter boat, water taxi or water limo shall be paid upon the filing of the application and shall be nonrefundable.

**B.**

Fees for landing a charter boat shall be determined as a "per landing" fee and shall be paid in full upon filing the request for permission to land. In the event the request to land a charter boat is denied, the fee for landing shall be refunded.

**C.**

Fees for landing a water taxi or water limo shall be determined as an annual fee and shall be paid in full upon the approval of permission to land.

**D.**

Fees referred to in this chapter may be set and amended from time to time by resolution of the Board of Trustees.

**For water taxis and water limos, the Board of Trustees, or its designee shall determine the amount of dock space (linear footage) that is required for each applicant, taking into account the applicant's past usage (if any) and the number of water taxis and/or water limos owned/operated by the applicant. In determining the proper linear footage for applicants, the Board of Trustees shall consider any factors to maximize safety in the water and on the dock, including designating "no landing zones" on the dock.**

The Board of Trustees shall take into account, inter alia, the differences in service, capacity and frequency of landings when setting landing fees for charter boats, water taxis and water limos. **Fees for water taxis and water limos shall be set "per linear foot" granted and assigned to each applicant.**

§ 106-7**Suspension or revocation of license.**

A license granted by the Board of Trustees pursuant to the provisions of this chapter may be suspended by the Mayor and/or Village Administrator in the event of a hazardous or dangerous violation of the provisions of this chapter. Such suspension shall be effective for a period not to exceed 15 days. A license may be revoked by the Board of Trustees in the event of a hazardous or dangerous violation of the

provisions of this chapter after a public hearing upon at least five days' prior written notice to the operator of a charter boat, water taxi or water limo.

**§ 106-8 Inspection of vessels.**

Each water taxi, water limo or charter boat landing or docking and/or discharging or picking up passengers within the Incorporated Village of Ocean Beach or its shoreline or within 1,500 feet thereof or any place in the water above where the bay bottom is owned and/or leased by the village shall be inspected according to the rules of the United States Coast Guard and shall have in effect at all such license or licenses as the Coast Guard may require and shall also meet all other requirements of law.

**§ 106-9 Boarding of vessels by Police Department.**

The operator of a water taxi, water limo or charter boat, by applying for a license from the Board of Trustees, grants permission to the Police Department of the Village of Ocean Beach to board the vessel or vessels at any time and/or location to determine whether the vessel is in compliance with this article and any other applicable articles, sections, ordinances or local laws of the Incorporated Village of Ocean Beach, laws of the State of New York, the United States Code and any rules or regulations promulgated by any body or agency pursuant thereto and with the requirements of the United States Coast Guard.

**§ 106-10 Insurance required.**

Any operator of a water taxi, water limo or charter boat which seeks a license hereunder shall provide and at all times thereafter maintain liability coverage in the amount of \$1,000,000 and property insurance coverage in the amount of \$50,000 per occurrence, written by insurance companies either licensed by the Department of Insurance of the State of New York or otherwise lawfully offering insurance within the State of New York, protecting against loss or damage to person or property occasioned by the operation of any such water taxi, water limo or charter boat. Upon request of the Board of Trustees, there shall be filed with the Village Clerk a certificate showing that said is in force and effect. Failure to file such certificate within seven days of such request shall result in forfeiture or revocation of any licenses or permissions granted herein. In every policy of insurance required hereby, the Incorporated Village of Ocean Beach shall be named as an insured, together with the operator of the vessel. Such requirement shall in no manner be deemed an admission of any liability on the part of the village. The limits of liability of said insurance requirements may be increased by the Board of Trustees after a public hearing.

§ 106-11 **Landing of vessels.**

**A.**

No charter boat, water taxi or water limo may land unless there has been compliance with this article and unless the Board of Trustees finds that approval shall be granted.

**B.**

To the extent permitted by this article, no charter boat, water taxi or water limo shall be permitted to land or dock and/or pick up or discharge passengers between the hours of 3:00 p.m. on Thursday and 8:00 a.m. on Monday during the months of June, July, August or September, except those boats picking up passengers in Ocean Beach and returning said passengers to Ocean Beach which have received permission hereunder. Each license for a charter boat shall set forth specifically the permitted time for the arrival and departure of the charter boat. Water taxis and water limos with licenses shall be governed as to the times for landing and/or docking by the times, if any, specified in the applicable water taxi or water limo license and/or permit and Subsection **C** hereof.

**C.**

The Board of Trustees may, from time to time, establish hours for permitted landings or departures of water taxis and water limos and specify locations for landings.

**D.**

Notwithstanding the foregoing, charter boats, water taxis and water limos shall be permitted to land or dock and/or pick up or discharge passengers during any otherwise prohibited time of day in the event of an emergency and pursuant to the direction of the Mayor or Chief of Police of the Incorporated Village of Ocean Beach or such other persons as may be authorized by the Village Board to permit such landing or docking or pickup or discharge of passengers.

**E.**

Determination of landing of vessels. The Board of Trustees shall have exclusive authority over the landing of vessels; however, the Board of Trustees hereby delegates its authority as aforestated except as to ferry service, water taxi and water limo service, except as otherwise provided heretofore, as follows:

**(1)**

The Mayor and the Village Administrator shall have the initial authority to permit and/or approve the landing of vessels upon such terms and conditions as the Village Administrator shall deem proper and reasonable, including but not limited to

providing insurance coverage to the village, determination of dates and times of landing and the terms and conditions of landing.

**(2)**

All applications for landings shall be in writing and filed with the Village Clerk at least 14 days prior to the requested usage, on forms to be supplied by the Village Clerk, and shall be kept on file by the Village Clerk from the time of receipt and for at least one year thereafter or such longer time as may be required by this Code or any other statute.

**(3)**

In the event that the use is approved, the application form shall be signed by the Mayor and Village Administrator, and the terms and conditions of landing shall be attached or endorsed thereon and a copy provided to the applicant.

**(4)**

Any member of the Board of Trustees shall have the right to place the issuance of approval on the agenda at the next Board of Trustees meeting, at which time the approval of landing shall be subject to confirmation, rejection or modification.

**(5)**

Any applicant shall have the right, in the event that the applicant's request, in writing, filed with the Village Clerk at least 10 days prior to the Board of Trustees at which review is sought, is rejected or the conditions imposed are sought to be modified, to make a request that the permit application be placed upon the agenda of the Board of Trustees at the next meeting thereof and that the Board of Trustees approve the application or modify the permit. The Board of Trustees shall have the right, by majority vote of a quorum present and voting, to entertain the application or approve the application or modify the license or reject the application in whole or in part.

**F.**

Licenses.

**(1)**

A license shall be issued by the Village Administrator only, based upon the foregoing procedure for the landing of vessels, based upon the foregoing provisions, which license shall be in writing and shall constitute the signatures of the Mayor and Village Administrator indicating approval upon the application together with the terms and conditions of approval annexed to the initial application.

**(2)**

Any rejection of an application shall be indicated upon the initial application by the signatures of the Mayor and the Village Administrator.

**Section 2.** This local law is determined to be a TYPE II action under the NY State Environmental Quality Review Act (“SEQRA”).

**Section 3.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.