

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed changes to Parks Department rules governing the marina, boat basin and piers.

Date / Time: November 16, 2011 at 11:00

Location: Chelsea Recreation Center, 430 West 25th Street, New York, NY 10010

Contact: Associate Counsel
Laura LaVelle
Department of Parks and Recreation
The Arsenal, Central Park,
830 Fifth Avenue
New York, NY 10065

Matter underlined is new.

You may send written comments regarding the proposed rule by mail to the contact above or electronically through NYC RULES at www.nyc.gov/nycrules.

If you want to testify please notify Associate Counsel Laura LaVelle at (212) 360-1335 or email at laura.lavelle@parks.nyc.gov.

If you need a sign language interpreter or other reasonable accommodation at the hearing, please notify Laura LaVelle at (212) 360-1335 or email at laura.lavelle@parks.nyc.gov by November 4, 1022.

Written comments and a tape recording of oral comments received at the hearing will be available for public inspection, as soon as practicable, between 9:00 a.m. and 5:00 p.m. at the Arsenal, Room 313, telephone number (212) 360-1313.

Statement of Basis and Purpose

The purpose of this proposed rule is to:

- more clearly establish the City and State rules relating to clean and safe boating practices at Parks locations including :
 - 1) the handling of vessel waste, and,
 - 2) the observation of the Environmental Protection Agency designated No Discharge Areas (NDAs) in New York Harbor and its associated estuaries;

- clarify vessel insurance requirements and the rules relating to vessel abandonments on City property,
- codify policies and procedures that will aid the Department in managing these facilities in a safe, secure, efficient and professional manner.

The proposed rule also increases certain fees in high demand service areas to help pay for the costs of operating the marinas, including structural repairs and maintenance.

These additions and revisions are essential to ensure the continued usage and enjoyment of park facilities by the public.

These rules are promulgated pursuant to the authority of the Commissioner of the Department of Parks and Recreation (the “Commissioner”) under section 389, 533(a)(9) and 1043 of the New York City Charter. The Commissioner is authorized to establish and enforce rules for the use, government, and protection of public parks and of all property under the charge or control of the Department of Parks and Recreation.

Matter underlined is new.

REVISIONS TO SECTIONS 3 AND 4 OF TITLE 56 OF THE OFFICIAL COMPILATION OF THE RULES OF THE CITY OF NEW YORK

Section 1. Section 3-01 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-01 Application.

These rules apply to the permissible use of the West 79th Street Boat Basin which is located in Riverside Park on the east bank of the Hudson River at West 79th Street in Manhattan. They also govern the Sheepshead Bay Piers adjacent to Emmons Avenue in Brooklyn, the World's Fair Marina in Flushing Bay which is located in Flushing Meadows Corona Park, Queens and any other marina acquired by the [department] Department and which is not covered by a concession agreement with the [department] Department. These special rules supplement the general rules which govern the use of [city] City parkland 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 and two of this title apply to the use of the marina, piers and boat basin.

§ 2. Section 3-02 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-02. Definitions.

[“Boat Basin.” - The] 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.

["Boat Launch." - Any] Boat Launch. "Boat Launch" means any location designated by the [commissioner] Commissioner for the launching of vessels of any kind via the use of an automobile or other motorized vehicle down a fixed ramp.

["Chief Dockmaster."-] Chief of the Department of Parks & Recreation Marine Division. The] Chief Dockmaster. "Chief Dockmaster" means the person appointed by the [commissioner] Commissioner that is responsible for the overall administration of the marina division facilities and enforcement of [department] Department policies and rules under the direction of the marina manager or administrator.

["Commercial Permit." - A] Commercial Permit. "Commercial Permit" means a permit to store, dock or launch a vessel used for commercial operations.

["Commissioner ." - The commissioner of Parks and Recreation] Commissioner. "Commissioner" means the Commissioner of the Department of Parks and Recreation or the chief executive officer of any successor agency.

["Department." - The department of Parks and Recreation] Department. "Department" refers to the Department of Parks and Recreation of the City of New York or any successor agency.

["Dinghy." - A tender] Dinghy. "Dinghy" means a vessel with a total length of [twelve] fourteen feet or less.

["Dockmaster."- The] Dockmaster. "Dockmaster" refers to the person who administers, manages or maintains the marina, piers and boat basin at the direction of the supervisory or chief dockmaster

["Emergency." - Any] Emergency. "Emergency" means any situation which the dockmaster determines threatens imminent personal injury, property damage or environmental damage.

["Facility." - Any] Facility. "Facility" means any or all of the boat basin, marina, and piers.

["Garage."- The] Garage. "Garage" means the underground parking garage at the rotunda in the boat basin.

["Guest." - A] Guest. "Guest" means a person who enters the marina, piers or boat basin at the invitation of a permittee to board the permittee's vessel.

["Houseboat." - Any] Houseboat. "Houseboat" means any vessel which [is regularly used as a dwelling place and is] has been designed primarily for use as a dwelling place as opposed to active recreational use, including but not limited to boats unable to operate in open water when subject to moderate winds and strong currents and boats designed with a rectangular main deck and full or square-shaped underwater hull as opposed to the tapered bow of a conventional recreational vessel.

["Marina." - The] Marina. "Marina" means the World's Fair Marina in Flushing Bay, located in Flushing Meadows Corona Park, Queens.

["Marine Division." - Department of Parks and Recreation] Marina Division. "Marina Division" means the Department's division responsible for managing, operating and maintaining recreational and commercial vessel usage at, but not limited, to the division facilities and mooring fields.

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

["Parking Permit." - Dated] Parking Permit. "Parking Permit" means a dated written permission to park at the marina parking lot or boat basin garage.

["Permit." - A] Permit. "Permit" means a permit to store, dock, moor or launch a vessel at the marina, piers or boat basin. Such term includes, but is not limited to, seasonal dockage permits issued for the 6 month summer season or 12 month terms, transient dockage permits issued on a daily basis, permits to launch kayaks or canoes at the marina, piers or boat basin, permits for commercial vessel operations and special permits for educational research events and special events, including filming. Such term does not include parking permits.

["Permittee." - The] Permittee. "Permittee" means the person whose name appears on a permit.

["Permittee Family." - Members] Permittee Family. "Permittee Family" means the members of a permittee's immediate family, which is restricted to husband, wife, son, daughter or domestic partner, listed on the front page of the permit application. Permittee family members are not designated as guests and do not have any interest in the permit, except for spouses or domestic partners who jointly hold permits.

["Personal Watercraft." - Any mechanically propelled vessel which carries one or more individuals.] Personal Watercraft. "Personal Watercraft" or "PWC" or "Jet Ski" means any small power-driven vessel where by design the operator and passengers stand or sit astride the watercraft as opposed to sitting within the hull of a conventional boat. Personal Watercraft traditionally are gasoline-powered and can be propeller-driven or propelled by water jet.

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

["Supervisory Dockmaster." - Deputy Chief of the NYC Department of Parks & Recreation Marine Division. Responsible] Supervisory Dockmaster. "Supervisory Dockmaster" means the individual responsible for the administration of the [marine] marina division facilities and enforcement of [department] Department policies and rules under the direction of the chief dockmaster.

["Vessel." - A] Vessel. "Vessel" means a floating craft of any kind, including but not limited to a boat, sailboat, motorboat, dinghies, canoe and kayak.

["Waiting list." - A] Waiting list. "Waiting list" means a list maintained by the [department] Department of persons interested in obtaining seasonal dockage permits and mooring permits at the boat basin. This list is the sole method of obtaining a dockage or mooring permit at the boat basin.

§ 3. Section 3-03 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-03. Access.

(a) The marina, piers and boat basin are open to permittees, a permittee's family, their guests, contractors and other persons who have obtained the permission of the dockmaster or [department] Department to enter. All private contractors must be properly licensed and insured, proof of which shall be registered with the [marine] marina division. In addition, the dockmaster shall establish and post regular hours during which the public shall have access to specified portions of the marina and boat basin.

(b) Keys are issued to the marina and boat basin piers each year for permittees. To receive a key, permittees must have paid for the full seasonal dockage or mooring and have no other outstanding charges, and must sign an agreement regarding the Department's key policy. Permittees must also have completed a dockage or mooring permit application and provided all required vessel insurance and registration as required by section 3-06 (d) and (q).

§ 4. Section 3-05 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-05 Inspections.

All vessels in the marina, piers and boat basin may be boarded by authorized officers and employees of the [department] Department or other City, State and [Federal] federal agencies if necessary to respond to an emergency or urgent health or safety hazard, as part of the general health or safety inspection 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.

§ 5. Section 3-06 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-06. Permits.

(a) No person shall dock, store or launch a vessel at a facility without an appropriate permit from the [department] Department and without payment of all required fees.

(b) All payments must be in the form of money order, credit card, or check in a form acceptable to the Department.

(c) All recreational vessels must be personally owned and such ownership reflected on registration or U.S. Coast Guard documentation. Permits for recreational vessels shall be issued to a natural person and not to a business or corporate entity.

(d) For security and emergency purposes, permittees must provide State or federal issued photo identification to the marina division for photocopying and retention in the customer folder in the marina or boat basin office.

[(b)] (e) A permit shall not be issued for a vessel which is unsafe or likely to cause injury to people or damage to property as determined by the dockmaster.

[(c)] (i) (f)(1) Dockage permits shall only be issued for vessels that the chief dockmaster determines are capable of operating in open water. All vessels (transient, seasonal, mooring or year round) must be and remain in safe operational condition. Any existing permittee with an operational and seaworthy vessel must continuously maintain an operational and seaworthy vessel. All vessels that are brought to any [department] Department facility must be seaworthy and must meet operational requirements to the original manufacturer's specifications. The chief dockmaster shall require a demonstration of a vessel's seaworthiness and compliance with the manufacturer's specifications, and shall require that any modifications to the vessel be approved by a certified naval architect to ensure compliance with original manufacturers' specifications.

Before issuing a permit and otherwise upon reasonable notice, the chief dockmaster may inspect a vessel and/or require a demonstration of the vessel's operational capability in open water.

[(ii) Paragraph (i) of this subdivision shall not apply to the renewal of 12 month dockage permits for vessels that were docked in the boat basin prior to May 1, 1997, unless they are sold or otherwise transferred. However, if a vessel that is covered by this exemption leaves the boat basin for any reason, then it will lose this exemption and it must return capable of operating to the original manufacturer's operating standards. Vessels that lose this exemption must be maintained as an operating vessel for the term of any permit. In addition, on and after May 1, 2009, no exemptions will apply to any vessels, year round or otherwise, at the boat basin and all vessels must be and remain operational for the life of the permit.]

[(iii) (2) For the boat basin only, the [department] Department may offer up to 52 winter season permits at any time (less any existing winter permits) first, to existing summer season permit holders in seniority order and second, to individuals on the waiting list in list order, creating 12 month or year-round dockage permits. The location of winter season slips will be determined by the chief dockmaster and allocated by seniority order. However, the chief dockmaster may change the location and/or number of these slips as necessary to ensure the safety of vessels and the boat basin. [Except for vessels covered by the temporary exemption in paragraph (i) of this subdivision, no permit, summer or winter, shall be issued to a houseboat.]

(3) Except for vessels permitted to dock at the boat basin prior to November 1, 2010, no permit, summer or winter, shall be issued to a houseboat.

[(d)] (g) Dockage permits shall not be issued unless the applicant presents evidence of hull and liability insurance, either New York State registration or documentation by the U.S. Coast Guard and successful completion of a U.S. Coast Guard boating safety course or sufficient nautical experience as determined by the dockmaster. In addition, the vessel for which the permit is to be issued must be well maintained and seaworthy.

[(e)] (h) A permit shall be issued to the named permittee for a particular vessel and is not transferable. A permit can be held jointly by spouses or domestic partners. If a permittee replaces a vessel, the dockmaster may only approve the new vessel after a suitable slip has been found before it may be docked pursuant to the permit. The dockmaster shall reject a replacement vessel which is not capable of operating in open water, not properly insured or which is neither New York State registered nor documented by the U.S. Coast Guard. The dockmaster may inspect and/or require a demonstration of the replacement vessel's operational capability in open water.

[(f)] (i) All completed permit applications shall be submitted to the [department] Department. All outstanding fees, charges, fines or civil penalties must be paid before a renewal application will be considered.

[(g)] (j) The supervisory dockmaster may revoke, terminate or refuse to renew any permit issued pursuant to this section:

[(i)] (k) where the permittee or applicant for the renewal has been found liable in a proceeding before the [environmental control board] Environmental Control Board of the City of New York (ECB) or in a court of three or more violations of these rules set forth in chapters [one] 1 and [two] 2 of this title;

[(ii)] (2) where the applicant for renewal or permittee has failed to pay any outstanding fees, charges, fines or civil penalties within 15 days of the date of mailing of a written notice of such outstanding amount;

[(iii)] (3) where the permittee or applicant for renewal has been found liable in a proceeding before the [environmental control board] ECB or in a court of engaging in disorderly behavior as defined in §1-04(i), paragraphs (6), (7), and (9) of chapter [one] 1 of this title; or

[(iv)] (4) as provided in subdivision [i] o of this section, in accordance with the needs or requirements of the [department] Department or the interests of the [city] City as determined by the supervisory dockmaster.

(l) The supervisory dockmaster shall mail or hand deliver notice of the intention to revoke, refuse to renew or terminate 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 or hand delivery, be posted in a conspicuous place on the vessel.

[(h)(i)] (m)(1) A permittee or applicant for renewal may file written objections with the chief dockmaster within 10 days from the date of such mailing, delivery or posting. The objections must set forth the reasons why the permit should not be terminated or revoked or should be renewed, and include any evidence supporting the objection. The filing of objections will not prevent the chief dockmaster from barring the permittee from the facility if the chief dockmaster specifically finds that it is in the public interest to do so. After considering any objections raised by the applicant or permittee, the chief dockmaster shall make a determination whether to revoke, refuse to renew or terminate the permit and shall provide notice of such determination to the permittee or applicant for renewal in the above manner.

[(ii)] (2) A permittee or applicant for renewal may file written objections with the [commissioner] Commissioner within 10 days from the date of the written decision of the chief dockmaster. The objections must set forth the reasons why the permit should not be terminated or revoked or should be renewed, and include any evidence supporting the objection. After considering any objections raised by the applicant or permittee, the [commissioner] Commissioner shall make a final determination whether to affirm or reverse the chief

dockmaster determination to revoke, refuse to renew or terminate the permit and shall provide notice of such determination to the permittee or applicant for renewal in the above manner.

[(i)] (n) Nothing in this chapter shall be construed to create a property right in any permit. All permits issued by the [department] Department are by their nature terminable at will by the [commissioner] Commissioner in accordance with the needs or the requirements of the [department] Department or in the interest of the [city] City as determined by the [commissioner] Commissioner.

[(j)] (o) An applicant for renewal or a former permittee who has been found liable in a proceeding before the Environmental Control Board or in a court violating any provisions of these rules or the rules set forth in chapters [one] 1 and [two] 2 of this title or who has delinquent payment record may be required to provide current credit card information and/or make a security deposit before a renewal application will be considered. Such permittee's credit card shall be charged for any balances accrued by the permittee that remain unpaid after 45 days of mailing of such outstanding charges. Any security deposit received from the permittee will be returned to the permittee without interest upon departure from the marina, piers, or boat basin, provided the permittee has settled all outstanding charges.

[(k)] (p) All permittees must maintain hull and liability insurance policies naming the City as an additional insured on the policy for docked vessels and provide the dockmaster with a copy of the insurance certificate. Proof of such insurance must be submitted to the dockmaster by May 1 of each year. The insurance must be valid for the length of the permit and any lapse in coverage will be considered automatic grounds for termination of the permit.

[(l)] (q) The dockmaster may impose other reasonable conditions on the issuance or renewal of a permit to protect public safety or to safeguard the interests of the [city] City.

[(m)(i)] (r)(1) Where a permit expires or is revoked, terminated or not renewed, the vessel must be removed from the facility within 10 days after written notice by the supervisory dockmaster to remove it is mailed or hand-delivered 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 be posted in a conspicuous place on the vessel. Where the vessel is not removed within 10 days, the [department] Department may remove the vessel or cause the vessel to be removed from the facility. Except where a vessel enters the facility due to an emergency, the dockmaster may immediately and without notice remove any vessel which enters or remains in the facility without an appropriate permit.

[(ii)] (2) The permittee or owner shall be liable for the costs of removal and storage of the vessel, payable prior to release of the vessel. Any vessel removed from the facility which is not claimed within 30 days shall be deemed to be abandoned and shall be treated in accordance with applicable law.

[(n)] (s) Every applicant and permittee must provide the dockmaster with [an] 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 change in telephone number, e-mail, or mailing address must be reported in writing to the dockmaster within 10 days.

[(o)] (t) A permittee may choose to postpone keeping a vessel at the boat basin for any particular season only once in the life of the permit. Permittees must submit a letter to the chief dockmaster at least 90 days prior to the start of the season in question stating that they will be opting to keep the vessel out of the boat basin.

[(p)] (u) Permits will be immediately revoked for any of the following reasons:

[(i)] (1) Conduct endangering the safety of any person.

[(ii)] (2) Fire aboard a vessel that is determined to be caused by improper upkeep of the vessel.

[(iii)] (3) The improper use of heating equipment, including the storing of kerosene, installation or repair of electrical equipment by other than a qualified electrician.

[(iv)] (4) A violation of §3-13.

[(v)] (5) Trespassing aboard another vessel docked or moored at a [marine] marina division facility.

[(vi)] (6) Violation of this subdivision by guests or immediate family members of a permit holder.

[(vii)] (7) Renting or subletting of permits.

[(viii)] (8) Any other action which interferes with the safe operation of division facilities, including but not limited to violations of §3-08.

[(q)] (v) Any person who docks or abandons a vessel at the boat basin, marina or piers without authorization and who refuses to remove the vessel immediately upon written notice, will not be eligible to request or receive a permit or berth of any type for any facility for a minimum of 24 months. Objections to of the denial of permit eligibility shall be available under subdivision [h] n of § 3-06 of this chapter.

§ 6. Section 3-07 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-07 Waiting List.

[The department] The Department shall maintain and utilize a waiting list for the issuance of Boat Basin seasonal dockage permits and mooring permits, which shall be available upon request from the [department] Department. Applications for the waiting list must be mailed to the Department of Parks & Recreation, Legal Office, The Arsenal, 830 5th Avenue, NY, NY

[10021] 10065 att: Boat Basin Waiting List via return receipt U.S. mail on forms supplied by the [department] Department and accompanied by a processing fee of [\$25] \$75. Only natural persons shall be eligible for Boat Basin permits. No person already holding a permit may apply for a Boat Basin permit.

§ 7. Section 3-08 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§3-08 Conduct and Clean Boating.

(a) No person shall urinate or defecate into the water or along the docks and walkways of the facility. No person shall use a toilet in the facility which 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.

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

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

(d) (f) No person shall make or cause or allow to be made unreasonable noise in the facility 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 dockmaster 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 10 p.m. Sunday through Thursday and after midnight on Friday and Saturday.

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

(f) (h) No person shall make an open flame or operate a barbecue grill in the facility, on the docks or walkways or on any vessel.

(g) (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.

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

[(i) Any person who engages in disorderly behavior as defined in section 1-04(i), paragraphs (6), (7) and (9) of chapter 1 of this title may, in addition to any other applicable penalties, be expelled immediately from the marina facility.]

[(j)] (k) No person shall run [running] or skate [skating] on the dock.

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

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

(n) 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.

[(k)] (o) No person shall advertise [No advertising] from [the] a vessel while docked or moored at a [division] Department facility.

(p) 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.

(q) 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.

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

(s) 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.

(t) 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.

(u) Any person who engages in disorderly behavior as defined in section 1-04(i) of chapter 1 of this title may, in addition to any other applicable penalties, be expelled immediately from the marina, piers, or boat basin.

[(1)] (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] 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] Department facility for a minimum of 24 months. Objections to termination of a permit or denial of permit eligibility shall be available under subdivision [h] n of [this section] § 3-06 of this chapter.

§ 8. Subdivision a of section 3-09 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(a) Vessels must be docked at slips designated by the dockmaster. Slips will be assigned using an appropriate ration of slip length, width, depth of water and strength of docks to a vessel's length, beam, draft and tonnage. If two vessels of equal characteristics are vying for the same slip, seniority will be the determining factor. Seniority is established by holding a valid permit and being in good standing for the longest period of time. Good standing means that all accounts with the [department] Department are paid in full and dockage/moorage application and valid insurance and registration are on file. Slips may not be changed or exchanged without the prior written approval of the dockmaster. Inoperable vessels will not be assigned to slips that are designated by the Department for running vessels.

§ 9. Subdivision d of section 3-09 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(d) Vessels which are improperly secured in an unassigned slip or area may be towed to the assigned slip by the [Dockmaster] dockmaster or [Marine Division] marina division staff, and the appropriate Labor Rate shall be charged to the owner of such vessel.

§10. Subdivision b of section 3-10 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(b) No structural modifications may be made to the superstructure of a vessel docked at the facility and/or permitted to use the facility without the express written consent of the dockmaster. Prior to any modification, the Department may require an evaluation from an experienced certified marine surveyor in good standing with a national recognized marine surveying society or association, or from a New York State licensed naval architectural engineer. Such evaluation shall be performed at the permittee's expense and a detailed report of such evaluation shall be

provided to the Department. No modifications shall be made which will in any way limit the movement of the vessel, change the center of gravity to the extent that the vessel is unseaworthy, restrict the navigation by removal of the helm station, inhibit the line of sight forward from the helm, increase the height of the vessel or extend the vessel over water beyond the existing hull, or increase the load beyond the manufacturer's hull design capacity.

§ 11. Section 3-10 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to add a new subdivision c to read as follows:

c) The dockmaster may refuse dockage of any vessel that does not meet the above requirements.

§ 12. Section 3-11 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-11. Operation of Vessels.

(a) All vessels entering, leaving or moving within the facility shall be operated under mechanical power, not sail, except in an emergency. All vessels in the facility shall be operated at speeds so as not to create a wake.

(b) When a vessel enters the marina or boat basin, it shall be berthed or moored only where ordered and maneuvered as directed by Department staff.

(c) Vessels entering the marina, piers, or boat basin under emergency conditions shall promptly be reported by their owners to Department staff.

[(b)] (d) A permittee holding a seasonal dockage permit must notify the dockmaster in writing prior to removing a vessel from the facility for more than 48 hours. In order to maximize access to the marina or boat basin, the dockmaster may issue a transient dockage permit for the permittee's assigned slip during such absence. A permittee who fails to notify the dockmaster of his or her scheduled return time or who returns before his or her scheduled return time may be required to remain outside the marina or boat basin until a vacant slip is available.

(e) In the event of an emergency, including unsafe condition on a ship, mooring, or vessel, the Department may order a permittee to take specific remedial measures within a reasonable period of time, as determined by the dockmaster. A permittee who fails to take such measures within the specified time period shall be subject to the penalties set forth herein.

§ 13. Subdivision c of section 3-13 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(c) At those times when the [department] Department does not supply fresh water to vessels docked at the marina or boat basin, permittees may fill on-board tanks from a water line at the head of the dock. Hoses shall not be rigged or positioned so as to obstruct walkways and docks, or to cause leakage or ice accumulation.

§ 14. Section 3-15 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§3-15 [Removal of] Sunken [Vessel], Abandoned or Delinquent Vessels, Dinghies and Trailers; Trailer Storage.

(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 facility within 48 hours after oral or written notice by the dockmaster to remove the vessel or dinghy. Upon request of the permittee or owner, the dockmaster 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 dockmaster may remove the vessel or dinghy or cause it to be removed and may recover the cost of the removal and storage or disposal of the vessel or dinghy from the permittee or owner of the vessel or dinghy. If the dockmaster determines that a sunken vessel or dinghy is discharging pollutants into the water or causing any other kind of emergency, the [department] 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, 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.

(c) The marina will assess a fee for vessels or dinghies that remain in the marina boat yard for a duration longer than the published winter season or after work on such vessel or dinghy has been completed. This fee shall be determined by the daily transient dockage rate in effect at the marina at the time of yard storage.

(d) Vessel or dinghy trailers may be used for delivery and removal of owner's vessel or dinghy from the marina and/or storage of the vessel at the marina during the winter season only. All trailers brought to the marina must be identified by the owner to marina office staff. Empty trailers may not be stored at the marina and must be removed within 24 hours of launch of

vessel. The yard manager will coordinate with owners of vessels or dinghies that are to be hauled out and placed on trailer. Any empty trailer remaining at the marina for more than 24 hours will be disposed of as abandoned property, salvaged as scrap metal, or sold at auction. The permittee will be responsible for all costs related to the removal, disposal and/or sale of the trailer.

(e) The Department may designate a limited number of storage spaces for trailers belonging to marina permittees. Such storage shall be offered via waitlist, first to customers receiving winter land storage and then to customers receiving winter water storage. The marina accepts no responsibility for the security or condition of trailers stored on marina property. Permittees must secure their own trailers with a lock. Trailers must have valid Department of Motor Vehicles registration and must be clearly labeled with vessel registration number printed on the trailer to be considered for storage. The Department reserves the right to cancel this arrangement for operational or safety needs at any time.

§ 15. Section 3-16 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-16 Dinghies, Kayaks and Canoes.

(a) [(i)] (1) Any dinghy over 14 feet in length must be stored on the vessel with a valid permit from the [department] Department. Any dinghy over 14 feet in length and stored in water will be considered a separate vessel and require an independent transient permit. Any dinghy 14 feet or less must be stored on the vessel or in a designated dinghy area as determined by the [department] Department. Only one dinghy shall be permitted per vessel.

[(ii)] (2) All dinghies stored in the water or at dinghy docks must be identified with the registration number of corresponding vessel.

[(ii)] (3) Kayaks and canoes may either be stored on the vessel with a valid permit from the [department] Department, or in the areas specifically designed by the [department] Department for such storage.

(b) Boat Launches: A [department] Department permit is required to launch a vessel operated by a motor at a [department] Department managed boat launch. The [department] Department will set and post specific rules at each agency managed boat launch. Failure to comply with posted rules will result in loss of access to the launch.

(c) Boating or use of a personal watercraft adjacent to any authorized bathing beach is prohibited. Use of personal watercraft is prohibited upon any waters under the jurisdiction of the [department] Department, unless the [commissioner] Commissioner specifically authorizes use of personal watercraft in such area.

§ 16. Section 3-17 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-17. Parking of Motor Vehicles.

(a) No person shall park at the garage at the boat basin or the marina parking lot without a parking permit issued by the [dockmaster] Department. [Parking permits shall be issued to permittees who hold dockage, mooring or kayak permits for vessels and shall expire at the same time as the permit.] The Department shall seek to accommodate year-round and seasonal permittees first in providing parking at the facilities. At the boat basin, spaces will be assigned first to permittees seeking year-round parking, followed by those seeking seasonal parking, then by permittees who hold kayak permits. Non-permittees shall be eligible for parking spaces on a month to month basis, subject to availability. If there are more permittees than available spaces, the [department] Department shall maintain a waiting list of the permittees eligible for parking permits, which shall be available upon request. Parking permits are issued to the person named on the permits and are valid only for the registered vehicle or vehicles identified on the permit. Parking permits are not transferable. Any assignment or attempted assignment of a garage parking permit shall result in the cancellation of such permit.

(b) No person shall remain overnight in the garage or parking lot or in a vehicle parked in the garage or parking lot. The [department] Department may remove or cause to be removed any vehicle which is parked in the garage or parking lot without a current parking permit or without payment of all required fees. The cost of towing and storage of the vehicle shall be charged to the permittee or owner of the vehicle and shall be payable prior to release of the vehicle. Any vehicle which is unclaimed after thirty days shall be deemed to be an abandoned vehicle and shall be disposed of pursuant to the procedures set in §1224 of the Vehicle and Traffic Law.

§ 17. Subdivision a of section 3-18 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(a) It is a violation of these rules to keep an animal as a pet at the facility where the keeping of such animal is prohibited by the [New York] City Health Code or any other City, State or federal law or rule.

§ 18. Section 3-19 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-19 Orders.

In addition to the orders specifically referred to in these rules, the [department] Department may issue any other orders which may be necessary or appropriate to enforce compliance with these rules set forth in chapters [one] 1 and [two] 2 of this title or to safeguard persons or property at the facility. It shall be a violation of these rules to fail or refuse to comply with such orders.

§ 19. Section 3-21 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-21 [Penalties] Liability.

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

(a) Permittee agrees to maintain current vessel insurance, including hull and liability insurance, collision and fire, and extended coverage insurance. Insurance policies must name the City of New York as an additional insured. Each insurer shall waive subrogation. Each permittee will be held responsible for damage he or she causes to other boats in the marina, piers or boat basin or to the structure of facilities thereof. The Department assumes no responsibility for permittee's boat or equipment.

(b) Permittee acknowledges that the Department makes no representation regarding the adequacy of water levels for egress and ingress. The Department is not responsible for damages resulting directly or indirectly from low water levels.

(c) The Department assumes no responsibility for the safety of any vessel at the marina, piers or boat basin and shall not be responsible for loss or damage or injury to persons or property due to wind, waves, theft, collision, chafing, vandalism, fire, low water levels, or any other cause except for the negligence of Department employees acting in the performance of their duties. The Department shall not be liable for any damage to the vessel occurring before, during, or after a severe storm, hurricane, or other emergency, for services performed, or for the failure to provide services. Permittee shall pay for all services performed, and for all goods or materials used in all work performed, in a reasonable effort to protect and safeguard the vessel, regardless of the success of such efforts.

(d) Permittee waives all claims against the City, its agents and employees for any damage to a vessel and its contents arising out of the removal, relocation, storage and/or disposal of a vessel by the Department pursuant to sections 3-06(o), 3-09(c) and 3-15, except for gross negligence or willful misconduct by the Department. In accordance with such rules, permittee shall be responsible for all costs incurred by the Department associated with such removal, relocating, storage and/or disposal.

(e) Department permits are for dockage or moorage only, and no injury, loss or damage to the permittee's vessel, or to the permittee, members of his or her family, guests, employees or agents is assumed by the Department, nor will the Department be held liable for any loss or damage caused by weather, acts of god, or other incidents beyond the control of the Department.

(f) Unless the marina or boat basin receives a specific written work order to do so and suitable charge is applied and paid for, the Department does not guarantee inspection of vessel(s) or equipment during any storage period and is not responsible for any damage an inspection may have prevented.

(g) The Department and its staff assumes no responsibility for delays in hauling, repairing, cleaning or launching of vessels at the marina.

§ 20. Section 3-22 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-22 Commercial Permits.

Commercial permits may be issued at the boat basin and marina to operators of commercial vessels upon terms to be determined by the [department] Department. The [chief] dockmaster is authorized to exempt holders of these commercial permits from certain rules set forth in this chapter 3.

Vessels docked under non-commercial permits may not engage in commercial activity without the express written approval of the [department] Department. This approval must be attained on an annual basis. Complete commercial plans must be provided to the [department] Department and no advertising may take place at the marina or boat basin. The Department may refuse such permission or terminate any authorization previously granted if it determines that such use may interfere with the public use or the operation of the facility or will not be in the best interest of the City. Approval will not be granted unless the permittee presents a valid United States Coast Guard Captain's license and evidence of insurance coverage for liability and property damage, which must be deemed sufficient by the dockmaster. Commercial trips must involve 6 passengers or less and must pay the commercial pickup fee (6 passengers or less) for each trip in addition to regular dockage. Any vessel planning commercial trips involving more than 6 passengers must apply for a commercial permit and may not operate under a non-commercial permit. Operators must comply with all other [department rules and regulations] Department rules and other applicable rules and regulations for such vessels.

The Sheepshead Bay Piers are managed for recreational charter boat and related purposes. Only commercial vessels involved in recreational charter boating, entertainment cruising, recreational fishing, or related recreational services will be offered dockage permits.

§ 21. Section 3-23 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to include the following definitions and revisions:

§ 3-23 Fees.

Permit fees are strictly in accordance with published schedules. Permit fees at the World's Fair Marina and 79th Street Boat Basin shall be paid in advance to cover the full boating season. Yearly dockage at the Sheepshead Bay Piers shall be billed in 12 monthly installments with

dockage paid in advance of each month. All services must be paid in advance except for electric and emergency repairs. No refunds shall be made in any instance.

Charges for all services, which will be sent in writing to the address of the owner on file, shall be paid within 15 days of receipt of billing or a 2% late fee will be assessed each month. If the permittee fails to pay for the rental of space or the repair and service of their boat and equipment, the agency may detain the boat until such sum is paid. If the outstanding sum, is not paid in full within 90 days, the Department may move the boat and equipment to a non-active slip or pier, disposed of it as abandoned property, or sell it at auction. The permittee will be responsible for all costs related to storage of the boat, disposal, and all outstanding charges.

No cash will be accepted for transactions. All boat basin transactions must take place in the marina office. All marina transactions must take place in the marina office, with the exception of event dockage. No financial transaction may take place aboard a private boat.

Depending on available space, summer seasonal customers at the marina and boat basin may be allowed to arrive prior to May 1 and/or depart after October 31. In such instances, a half-month pro-rate, 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 marina or 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.

Depending on available space, winter seasonal customers at the marina may be allowed to arrive prior to November 1 and/or depart after April 30. In such instances, a half-month pro-rate, based on the associated six-month winter permit, will be applied from October 15 to October 31 and/or from May 1 to May 15. Any winter permittees arriving prior to October 15 and/or departing after May 15 will be billed the daily transient rate for the period of time at the marina prior to October 15 and/or after May 15. Extensions are solely at the discretion of the dockmaster, marina manager or marina administrator.

Pro-rated monthly dockage, moorage or storage services of three months or more may be authorized by the dockmaster, marina manager or marina administrator. All requests for pro-rated services are subject to Department approval. Prorated rates will not be applied for any services with a waiting list.

The Department may, at its sole discretion, retain a vessel from being removed or released from the marina, piers or boat basin where there is an outstanding fee or fees owed to the Department associated with vessel storage, labor, and/or other services. Such notice of non-release will be provided in writing to the permittee.

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

(a) West 79th Street Boat Basin* (May [2008] 2012 and [thereafter] subsequent years)

Seasonal Dockage** (Sizable waiting list, as of [May 2008] <u>2012</u>)	Summer (May 1 to October 31)	\$[108] <u>120</u> / linear foot or \$[2700] <u>3000</u> , whichever shall be greater
	Winter (November 1 to April 30) - Current Winter permittees only	\$[88] <u>105</u> / linear foot or \$[2200] <u>2,625</u> , whichever shall be greater
Transient Dockage (Non-commercial boats only)		\$2.75 / linear foot / day (24 hours)
Passenger Pickup/Drop off (Non-commercial boats only)	[50] <u>40</u> feet or less	\$[10] <u>25</u>
	[Over 50 feet] <u>41 feet or more</u>	\$[25] <u>40</u>
<u>Dinghy Landing Only</u> <u>Non-permit holders,</u> <u>non-transient dockage</u>	<u>14 feet or less</u>	<u>\$26 / day</u>
Dock & Dine (4 hour maximum)	[25 feet or less]	\$[25] <u>1.25</u> / linear foot
	[26 feet or more]	[<u>\$32</u>]
Commercial Landing Fee	30 minutes for loading and 30 minutes for unloading maximum	\$4 / linear foot
Commercial Pickup (<u>Non-commercial boats only</u>)	6 passengers or less	\$32 / trip
Mooring (Moorings available, as of [May 2008] <u>2012</u>)	Daily	\$30
	Weekly	\$180
	Entire Season (May 1 to Oct 31)	\$1550
Electricity	For permit holders only	\$[0.20] <u>0.25</u> / kilowatt hour
Transient Electricity	30 amp	\$10 / day
	50 amp	\$20 / day
	100 amp	\$35 / day
Labor Rate		\$75 / hour
Sanitation Waste System Pump Out	Commercial vessels only	\$80 plus labor
Water Pump Out	Per pump provided	\$65 plus labor

Towing Outside Marina	Non commercial boats only	\$150 / hour
Kayak / Canoe Storage (Storage available, as of [May 2008] <u>2012</u>)	Yearly, per vessel (May 1 to April 30)	\$350
Team Canoe Storage (Storage available, as of [May 2008] <u>2012</u>)	Summer only, competition canoes, per vessel	\$750
Dinghy / Motor Storage (November 1 to April 30 only)	No auxiliary fuel tanks allowed	\$175 / winter
Key Deposit or Replacement		\$10
Slip Dockage Waiting List	Application	\$75
Parking Pass	Daily	\$10
Parking ([Limited parking available] <u>Waitlist for parking</u> , as of [May 2008] <u>2012</u>)	Rotunda parking garage; permit holders only	[\$250] <u>275</u> / month

[*No cash will be accepted for transactions. All boat basin transactions must take place in the marina dockhouse. No financial transaction may take place on the piers or in a private boat.

**Depending on weather, summer dockage customers may be allowed, at their request, to extend their stay into November or to arrive early in April. Extensions will be approved and billed on a weekly basis and the pro-rated bill will be based on the summer dockage six-month permit. Extensions are solely at the discretion of the department.]

(b) World's Fair Marina* (May [2008] 2012 and thereafter)

Summer Dockage** (Limited dockage available, as of [May 2008] <u>2012</u>)	20 feet or less	\$1325
	21 to 26 feet	\$70 / linear foot
	27 to 35 feet	\$73 / linear foot
	36 to 45 feet	\$78 / linear foot
	46 to 65 feet	\$95 / linear foot
	66 feet or greater	\$118 / linear foot
Commercial Charter Boat	May 1 to October 31	\$135 / linear foot

(Limited dockage available, as of [May 2008] <u>2012</u>)	November 1 to April 30	\$52 / linear foot
Winter Storage Water storage available	Water	\$35 / linear foot or \$700, whichever shall be greater
	Land ([Spots to be determined by seniority] <u>Waitlist, as of 2012</u>)	\$[46] <u>50</u> / linear foot or \$[920] <u>1,000</u> , whichever shall be greater
Transient Dockage	Non-commercial boats only	\$2 / linear foot / day (24 hours)
	Sporting events / concerts in the park (event duration only) / <u>dock & dine</u>	\$1 / linear foot
	<u>Commercial vessels (does not include passenger loading/unloading fee)</u>	<u>\$2.50 / linear foot / day (24 hours)</u>
Passenger Pickup / Drop off (<u>Non-commercial boats only</u>)	[25 feet or less]	[\$5]
	[26 to 50] <u>40 feet or less</u>	[\$10] <u>20</u>
	[51] <u>41</u> feet or more	[\$25] <u>30</u>
[Dock & Dine (4 hour maximum)]	[25 feet or less]	[\$20]
	[26 feet or more]	[\$25]
<u>Dinghy Landing Only (Non-permit holders, non-transient dockage)</u>	<u>14 feet or less</u>	<u>\$22 / day</u>
Commercial Landing Fee	30 minutes [maximum] for loading and 30 minutes for unloading <u>maximum</u>	\$3 / linear foot
<u>Commercial Pickup (Non-commercial boats only)</u>	<u>6 passengers or less</u>	<u>\$28 / trip</u>
Electricity	For permit holders only	[\$0.20] <u>0.25</u> / kilowatt hour
Transient Electricity	30 amp	\$7 / day
	50 amp	\$12 / day
	100 amp	\$40 / day

Team Canoe Storage (Storage available, as of [May 2008] <u>2012</u>)	Summer	\$500 / boat
	Winter	\$250 / boat
<u>Hydrohoist Wet Storage</u> (No vessel)	<u>Winter</u>	<u>\$500</u>
<u>Vessel or Dinghy Trailer Storage</u> (Limited space via waitlist, winter permittees only)	<u>Summer</u>	<u>\$400</u>
Key Deposit or Replacement		\$10

WORLD'S FAIR LABOR RATES

A fifty percent deposit must be pre-paid for any work order estimated by the dockmaster or yard manager to be greater than \$400. In addition, the following fees must be paid in full in advance of services being rendered: Haul Out, Launch, Move One Way, Block, Load on Trailer, Pressure Wash Bottom, Step or Unstep Mast.

Labor Rate		\$75 / hour
<u>Parts (Parts sold over-the-counter in the marina must be paid for in full prior to receipt)</u>	Boat repair, maintenance	Sold at Manufacturer Suggested Retail Price (MSRP)
Sanitation System Pump Out	Commercial vessels only	\$80 plus labor
Water Pump Out	Per pump provided	\$45 plus labor
Crane Service		\$100 / hour
Travel Lift		\$100 / hour
Forklift		\$90 / hour
Haul Out		\$2.50 / linear foot
Launch	Using travel lift	\$2.50 / linear foot
Move One [Away] <u>Way</u>		\$2.50 / linear foot
Block		\$2.50 / linear foot
Load On Trailer	Using travel lift	\$2.50 / linear foot

Pressure Wash Bottom		\$2.50 / linear foot
Step or Unstep Mast		\$5 / linear foot
Towing Inside Marina		\$75.00 / hour
Towing Outside Marina		\$150.00 / hour
Bottom Painting	30 feet or less	\$13.75 / linear foot
	31 feet or more	\$14.75 / linear foot

[*No cash will be accepted for transactions.

**Depending on weather, summer dockage customers may be allowed, at their request, to extend their stay into November. Extensions will be approved and billed on a weekly basis and the pro-rated bill will be based on the summer dockage six-month permit. Extensions are solely at the discretion of the department.]

c) Sheepshead Bay Piers* (May [2008] 2012 and [thereafter] subsequent years)

Yearly Dockage		\$125.00 / linear foot
Transient Dockage	<u>Non-commercial boats only</u> Up to 24 hours	\$2 [per foot per day] / <u>linear foot/day</u>
Commercial Vessels	Loading and Unloading	\$3[per] /_ foot / 30 minutes [maximum] loading and unloading <u>maximum</u>
		\$3[per] /_ foot [for each] / hour beyond 30 minutes loading/unloading
Dock & Dine	Non-commercial vessels only[,] [up] <u>Up</u> to 4 hours	[\$20]1 / <u>linear foot</u>

[*There will be no cash transactions.]

§ 22. Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended by adding a new section 3-25 to read as follows:

§ 3-25 Special Events and Filming

Special events and filming at the marina, piers, and boat basin must be pre-approved by the marina manager or marina administrator, and will be considered on a case-by-case basis. Those wishing to host an event or film at the marina, piers, or boat basin must adhere to the terms and fees set forth by the Department's Special Events office. Hourly labor rate shall apply for any services required of marina staff. Associated permits from the Mayor's Office of Film, Theatre and Broadcasting may be required.

§ 23. Section 4-01 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 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] Department. These rules supplement the general rules which govern the use of [city] 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.

§ 24. Section 4-02 of Chapter 3 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 4-02 Definitions.

["Boat Basin." The] 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 of the NYC Department of Parks & Recreation Department's Marine Division. The] Chief Dockmaster. "Chief Dockmaster" means the person appointed by the [commissioner] Commissioner that is responsible for the overall administration of marina division facilities and enforcement of [department] Department policies and rules under the direction of the marina manager.

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

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

["Department." The department of Parks and Recreation] 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." The] 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." Any] Emergency. "Emergency" means any situation which the [department] Department determines threatens imminent personal injury or property damage.

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

["Marine Division."] 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." Areas] 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] Department in Sheepshead Bay and Great Kills Harbor and the mooring fields adjacent to the 79th Street Boat Basin.

["Permit." A] Permit. "Permit" means a permit to moor a vessel at a designated position in a mooring field.

["Permittee." The] Permittee. "Permittee" means the person whose name appears on a permit.

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

["Supervisory Dockmaster." Deputy Chief of the NYC Department of Parks & Recreation Marine Division. Responsible] Supervisory Dockmaster. "Supervisory Dockmaster" means the person responsible for the administration of marina division facilities and enforcement of [department] Department policies and rules under the direction of the chief dockmaster.

["Vessel." A] 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." A] Waiting list. "Waiting list" means a list of persons interested in obtaining permits, which shall be maintained by the [department] Department.

§ 25. Section 4-03 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 4-03 Inspections.

All vessels moored in the mooring field may be boarded by authorized officers of the [department] Department or of other [city] City, [state] 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.

§ 26. Section 4-04 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 4-04 Permits.

(a) No person shall place a mooring or moor a vessel in a mooring field without a permit from the [department] Department.

(b) A permit shall authorize the use of a mooring that meets the requirements of subdivision (a) of section 4-07 of this chapter, the location of a mooring at a particular position in the mooring field, and the mooring of a particular vessel identified by size, type, [and] 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] 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] 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 [and participation in the Boat Anti-Theft Program administered by the Police Department of the City of New York]. 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] Department in advance so the [department] 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] Department grants a new permit. The [department] 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 [and participation in the Boat Anti-Theft Program of the Police Department of the City of New York]. 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] Department's waiting list until the [department] 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] 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, [or] 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] Department may also issue transient permits for a term [of one week or one day] 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] Department prior to July 1. All outstanding fees, charges, fines, and civil penalties due the [department] 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] Department or (3) as provided in subdivision 1 of this section, in accordance with the needs or requirements of the [department] Department or the interests of the [city] City as determined by the Commissioner. The [department] Department shall send by certified mail notice of the intention to revoke, terminate, or refuse to renew a permit and the reasons [therefore] 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] 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] 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] Department are by their nature terminable at will by the [commissioner] Commissioner in accordance with the needs or requirements of the [department] Department or in the interests of the [city] City as determined by the [commissioner] Commissioner.

(m) The [department] Department may impose reasonable conditions on the issuance of a permit to protect public safety and to safeguard the interests of the [city] 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] 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] 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 [may be turned over to the police property clerk for disposal] shall be treated in accordance with applicable law.

(o) Every applicant and permittee must provide the [department] Department with a day and evening telephone number as well as an e-mail and/or mailing [an] 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] Department within 10 days.

§ 27. Section 4-05 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 4-05 Waiting List.

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

§ 28. Section 4-06 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 4-06 Conduct and Clean Boating.

(a) No person at [the Sheepshead Bay or Great Kills Harbor] any mooring [fields] 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. [No person at the boat basin mooring fields shall use a toilet that discharges into the water].

(b) [Use of composting] Composting toilet systems are not permitted [in the mooring fields].

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

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

[(c) Any person who engages in disorderly behavior as defined in paragraph 6, 7 or 9 of subdivision 1 of section 1-04 of chapter 1 of this title may, in addition to any other applicable penalties, be expelled from the mooring fields.]

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

[(d)] (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] 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.

[(e)] (g) No person shall make an open fire on any vessel while alongside any dock or within the confines of the [boat basin] mooring fields. [Vessels that are fitted with a device specifically designated for use on a vessel may be used in accordance with the manufacturer's instructions for cooking on deck but only in the mooring field.

(f) No advertising shall be displayed from the vessel in the mooring field.]

(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 section 1-04(i), paragraphs (6), (7) and (9) of chapter 1 of this title may, 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. 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 § 3-06 of chapter 3 of this title.

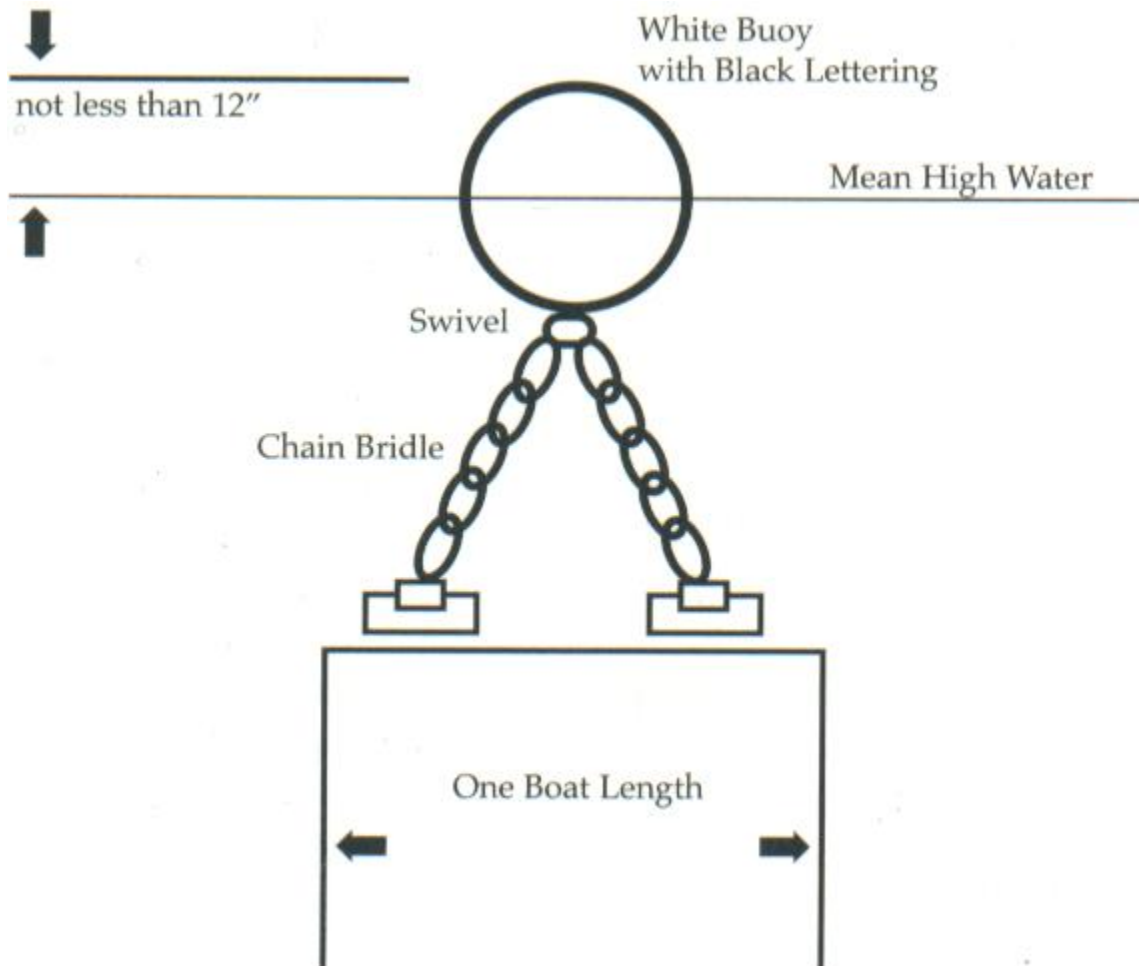
§ 29. The initial paragraph of subdivision a of section 4-07 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(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:

§ 30. Paragraph 2 of subdivision a of section 4-07 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(2) Moorings in the special anchorage area in Sheepshead Bay shall be secured by two anchors [which shall be placed as indicated in figure 1]. Moorings in all other mooring fields shall be secured by one anchor, provided, however, that the [department] 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.

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§ 31. Paragraph 3 of subdivision a of section 4-07 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(3) [Mooring buoys shall be of a buoyant material sufficient to make at least one foot of the buoy visible above the water line.] 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.

§ 32. Subdivision b of section 4-07 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(b) Vessels must be moored at locations designated by the [department] Department. The location assigned to the permittee shall be determined by the [department] 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] Department.

§ 33. Subdivision c of section 4-07 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(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] Department may affix additional lines as necessary to assure the safety of people or property.

§ 34. Subdivision e of section 4-07 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(e) Moorings shall be inspected for deterioration at least every two years and repaired or replaced if necessary. The [department] 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.

§ 35. Subdivision f of section 4-07 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(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] 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] 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.

§ 36. Subdivision g of section 4-07 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

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

§ 37. Section 4-09 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 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.

§ 38. Section 4-11 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 4-11 [Removal of] Sunken [Vessels], Abandoned or Delinquent Vessels and Dinghies.

(a) The dockmaster may require that any vessel or dingy 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] Department to remove the vessel or dinghy. Upon request of the permittee or the owner of the vessel or dinghy, the [department] 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] 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] Department determines that a sunken vessel or dinghy is discharging pollutants into the water or causing any other kind of an emergency, the [department] 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.

§ 39. Section 4-13 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

The [department] 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, chapter three of this title. It shall be a violation of these rules to fail or refuse to comply with such orders.

§ 40. Section 4-15 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

In addition to any penalties provided for in this chapter, violations of these rules shall be punishable as provided in section 1-07 of chapter [one] 1 of this title.

§ 41. Subdivision a of section 4-16 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

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

§ 42. Subdivision b of section 4-16 of Chapter 4 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(b) [Fees.] 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 ([effective as of] May [2007] 2012 and subsequent years)		
\$30 / day	\$180 / week	\$1,550 / season