

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Hammond

Local Law No. 2 of the year 2016

A Local Law to Regulate Use of the Town Dock of the Town of Hammond
(Insert title)

Be it enacted by the Town Board of the Town of Hammond as follows:
(Name of Legislative Body)

Section 1. Title.

This local law shall be referred to as the Town Dock Use Regulation Law of the Town of Hammond.

Section 2. Purpose and Authority.

The Town Board of the Town of Hammond, pursuant to the authority granted it under Article 9 of the Town Law of the State of New York and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts this local law to regulate the use of the Town Dock of the Town of Hammond.

Section 3. Definitions.

MOTOR VEHICLE - All such vehicles as defined in the Vehicle and Traffic Law of the State of New York, and in addition thereto, minibikes, mopeds, snowmobiles and all other recreational vehicles.

OWNER - The owner of a vessel, or another person authorized by the owner to operate the vessel.

PERSON - Any corporation, firm, partnership, association, trust, estate, one or more individuals and any unit of government or agency or subdivision thereof.

TOWN - The Town of Hammond, New York

TOWN DOCK - The dock owned by the Chippewa Yacht Club, leased by the Town of Hammond and located at the end of Denner Road in the Town of Hammond, New York.

TOWING - The moving of a vessel by a vehicle or vessel for hire.

TOWING COMPANY - A person engaged in the towing business or offering towing services, whereby vessels or motor vehicles are towed or otherwise removed from one place to another by use of a vehicle or vessel designed or adapted for that purpose.

TRANSIENT DOCKING - Docking for a period of time less than two (2) hours between 6:00 a.m. and 9:00 p.m.

VESSEL – Boat, ship or other watercraft, regardless of whether it is or was used for recreational, commercial, or industrial purposes, or any other purpose, used or capable of being used as a means of transportation on the water whether under its own power or by other means, and regardless of whether documented or registered.

Section 4. Limitation on use of Town Dock.

No portion of any Town dock shall be used at any time for any other purpose other than

- (a) the receiving and discharging of passengers and freight, or
- (b) transient dockage as allowed and defined by this local law.

Section 5. Removal of Vessels in Violation.

- (a) Any vessel docked in violation of this local law may be removed as set forth herein at the owner's expense. Such removal shall be at the risk of the owner of the vessel.

Section 6. Removal Procedure.

- (a) When a vessel is docked in violation of this local law, the Town Code Enforcement Officer and the Town Constable are each hereby authorized to provide written authorization for removal to a towing company. The written authorization for removal must contain:
 - 1) A description of the vessel to be removed, including the make, model, color, and registration number, if any;
 - 2) The date and time such vessel is found to be in violation;
 - 3) A statement that the removal is authorized pursuant to this local law; and
 - 4) The signature of either the Town Code Enforcement Officer or the Town Constable.
- (b) The cost of towing or removal of said vessel shall be solely the obligation of the owner of said vessel, regardless of the identity of the operator.
- (c) The Town Code Enforcement Officer or the Town Constable, as appropriate, shall promptly report the removal and the disposition of any vessel to the Town Clerk, St.

Lawrence County Sheriff and New York State Police for their records in the event that the owner calls inquiring as to the location of the vessel.

Section 7. Storage; Removal and Storage Charges; Town Agreement with Towing Company.

- (a) After removal of any vessel as provided herein, the towing company may store said vessel in a suitable place at the expense of the owner. The owner may redeem same upon payment to the towing company of the amount of all expenses actually and necessarily incurred in effecting such removal, together with any charges for storage.
- (b) The towing company shall bear all expense and liability relating to the towing and storage of any vessel.
- (c) The towing company shall hold the Town harmless from all claims relating to the towing and storage.

Section 8. Signs.

- (a) The Town of Hammond shall post a sign at the Town Dock, positioned so that the information on the sign is clearly and conspicuously visible to a vessel operator as he or she comes up to the Town Dock from the water.
- (b) The Town of Hammond shall also post a sign in a conspicuous location in the boat launch area near the Town Dock, positioned so that the information on the sign is clearly and conspicuously visible to a person viewing it from land.
- (c) The signs shall state that unlawfully docked vessels will be towed at the owner's expense and shall contain the towing company's name, the telephone number to call to retrieve towed vessels, and the address where towed vessels may be retrieved. The signs shall be conspicuous both day and night and of a size at least 12 inches by 24 inches, but not to exceed 24 inches by 36 inches, with lettering at least 2½ inches high and in a color contrasting to that of the background. The Town of Hammond shall be responsible for assuring that signs meeting the requirements of this section are posted and maintained.

Section 9. Towing Company Hours.

- (a) A towing company who is provided written authorization for removal as set forth herein must be open to allow for the retrieval of such towed vessels between 9:00 a.m. and 6:00 p.m. daily, and if the towing company performs towing services after 5:00 p.m., until at least one hour after the latest time such company provides towing services.
- (b) The towing company's telephone number to call to retrieve towed vessels shall contain a message stating the hours during which a vessel may be retrieved, the location, the fees, and that payment may be made by cash or by any major credit card or debit card. The telephone number shall also contain a system that allows callers to leave a message when their call is not answered.
- (c) Any towing or storage charges accrued by the vessel owner or operator shall be payable by the use of any major bank credit card or debit card, in addition to being payable in cash.

The towing company must have enough bills and coins available to provide change on bills of \$100 or less.

Section 10. Release of Vessel Prior To Removal.

If a towing company has attached a vessel to be removed from the Town Dock to a towing vehicle or vessel and the owner of said vessel arrives before said vessel has been removed, said vessel must be released to its owner upon tender of payment of an amount not to exceed \$25. If the vessel owner or operator arrives before the vessel has been attached to a towing vehicle or vessel, the owner or operator shall be allowed to remove his or her vessel without charge.

Section 11. Violations.

Where a person has committed a violation of this Town Dock Use Regulation Law, the Town Board, in consultation with (1) the Town Constable or the Town Code Enforcement Officer and (2) the Town Attorney or counsel retained by the Town, may elect either to commence an action to recover a civil penalty or to prosecute an action against that person as a violation under the penal law. The Town Constable and the Town Code Enforcement Officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the Criminal Procedure Law, to serve a summons, and to serve and execute any other order or process in the execution of the provisions of this local law.

Section 12. Civil Penalties.

Where the Town elects to commence an action to recover a civil penalty, a violation of this law shall be punishable as follows:

- (a) For a first violation, a penalty of no less than \$25.00 nor more than \$100.00.
- (b) For a second offense within a one year period, a penalty of no less than \$50.00 nor more than \$150.00.
- (c) For a third or subsequent offense within a one year period, a penalty of no less than \$75.00 nor more than \$200.00.

The civil penalties provided by this section shall be recoverable in an action instituted in the name of the Town.

Section 13: Criminal Penalties

Where the Town elects to prosecute an action pursuant to the penal law, a violation of this law shall be punishable as follows:

- (a) For a first violation, a fine of no less than \$25.00 nor more than \$100.00.
- (b) For a second offense within a one year period, a fine of no less than \$50.00 nor more than \$150.00.

- (c) For a third or subsequent offense within a one year period, a fine of no less than \$75.00 nor more than \$200.00, or imprisonment for not more than fifteen (15) days, or both.

Section 14. Effective date.

This local law shall take effect on upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.) I hereby certify that the local law annexed hereto, designated as **local law No. 2 of 2016** of the Town of Hammond was duly passed by the Board of Trustees on _____, 2016, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general)election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20___ of the County of _____ State of New York, having been submitted to the electors at the General Election of November ____, 20___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Pamela Burton
Clerk, of the Town Hammond

(seal)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Joseph W. Russell, Town Attorney
Town of Hammond

Date: