

Intro. Res. No. 1402-2018

Laid on Table 4/24/2018

Introduced by Legislators Spencer, Hahn, Calarco, Martinez, Flotteron, Kennedy, Donnelly, Sunderman, Muratore, Anker Lindsay, Fleming, Gregory, Krupski, Cilmi, Trotta, McCaffrey and Berland

RESOLUTION NO. 513 -2018, ADOPTING LOCAL LAW NO. 19 -2018, A LOCAL LAW REQUIRING THE USE OF PROPELLER GUARDS ON INSTRUCTIONAL VESSELS (“RYAN’S LAW”)

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 24, 2018, a proposed local law entitled, "**A LOCAL LAW REQUIRING THE USE OF PROPELLER GUARDS ON INSTRUCTIONAL VESSELS (“RYAN’S LAW”)**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 19 -2018, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW REQUIRING THE USE OF PROPELLER GUARDS ON INSTRUCTIONAL VESSELS (“RYAN’S LAW”)

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that motorized boats have propellers that are dangerous to persons who come into close proximity with them.

This Legislature also finds and determines that vessels used for instructional purposes pose a high risk for injuries, as inexperienced individuals are learning how to safely engage in the operation of boating equipment while navigating waterways.

This Legislature further finds and determines that propeller guards should be used on boats used for instructional purposes to ensure the safety of students and to protect against accidental injury.

Therefore, the purpose of this law is to require that instructional vessels install and maintain propeller guards when operating in Suffolk County waterways.

Section 2. Definitions.

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

INSTRUCTIONAL VESSEL – any vessel utilized to teach minors about marine navigation and safety in a formal setting, such as an instructional course conducted by a marina, yacht club or boating organization.

MINOR – any person under the age of 18.

PROPELLER – a mechanical device designed to move a vessel, consisting of a revolving shaft with two or more angled blades attached to it.

PROPELLER GUARD – a cage or encasement that surrounds the propeller of a motorized boat.

VESSEL – as defined in Section 2 of New York Navigation Law.

Section 3. Requirements.

The owner of any instructional vessel which is registered in Suffolk County and/or operates in the waters of Suffolk County, and which is equipped with a propeller, shall install and maintain a propeller guard on such vessel.

Section 4. Penalties.

A violation of this law shall constitute a violation. The first conviction for such offense shall be subject to a fine of \$250 to \$500, with convictions for all subsequent offenses subject to a fine of \$750 to \$1,500 per offense.

Section 5. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 8. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: June 19, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 13, 2018

After a public hearing duly held on July 5, 2018
Filed with the Secretary of State on August 1, 2018