

CONTENTS	PAGE
INTRODUCTION	3
EXCERPTS FROM PARKS RULES & REGULATIONS (CHAPTER 1, 56 R.C.N.Y.)	4
§ 1-04 PROHIBITED USES	4
C. LITTERING, POLLUTING, DUMPING, AND UNATTENDED PROPERTY	4
G. ABUSE OF PARK ANIMALS	4
I. FAILURE TO CONTROL ANIMALS	4
R. UNHYGIENIC USE OF FOUNTAINS, POOLS, AND WATER	4
§ 1-05 REGULATED USES	5
G. BEACHES, BOARDWALKS AND POOLS	5
H. FISHING	5
J. BOATING	6
§ 1-07 PENALTIES	6
RULES GOVERNING THE WEST 79TH STREET BOAT BASIN, THE SHEEPSHEAD BAY PIERS AND THE WORLD'S FAIR MARINA	7
§ 3-01 APPLICATION.	7
§ 3-02 DEFINITIONS.	7
§ 3-03 ACCESS.	8
§ 3-04 GUESTS.	8
§ 3-05 INSPECTIONS.	9
§ 3-06 PERMITS.	9
§ 3-07 WAITING LIST.	12
§ 3-08 CONDUCT.	12
§ 3-09 DOCKING OF VESSELS.	13
§ 3-10 CONDITION OF VESSELS.	13
§ 3-11 OPERATION OF VESSELS.	13
§ 3-12 REQUIRED SAFETY EQUIPMENT.	14
§ 3-13 UTILITIES.	14
§ 3-14 MAINTENANCE AND USE OF DOCKS.	14
§ 3-15 REMOVAL OF SUNKEN VESSEL.	15
§ 3-16 DINGHIES, KAYAKS AND CANOES.	15
§ 3-17 PARKING OF MOTOR VEHICLES.	15
§ 3-18 PETS.	16
§ 3-19 ORDERS.	16
§ 3-20 UNLAWFUL USE OF SLIP OR VESSEL.	16
§ 3-21 PENALTIES.	16
§ 3-22 COMMERCIAL PERMITS.	16
§ 3-23 FEES.	17

RULES GOVERNING MOORING FIELDS UNDER THE JURISDICTION OF THE DEPARTMENT	19
§ 4-01 APPLICATION	19
§ 4-02 DEFINITIONS	19
§ 4-03 INSPECTIONS	20
§ 4-04 PERMITS	20
§ 4-05 WAITING LIST	22
§ 4-06 CONDUCT	23
§ 4-07 MOORING OF VESSELS	23
§ 4-08 CONDITION OF VESSELS	25
§ 4-09 OPERATION OF VESSELS	25
§ 4-10 REQUIRED SAFETY EQUIPMENT	25
§ 4-11 REMOVAL OF SUNKEN VESSELS	26
§ 4-12 DINGHIES, KAYAKS AND CANOES	26
§ 4-13 ORDERS	26
§ 4-14 UNLAWFUL USE OF VESSEL	26
§ 4-15 PENALTIES	26
§ 4-16 (A) COMMERCIAL MOORING PERMITS	26
§ 4-16 (B) FEES	26
STATEMENT OF BASIS AND PURPOSE	27

INTRODUCTION

While most people think of parks as green spaces, there is also a substantial amount of water under the jurisdiction of the New York City Department of Parks & Recreation. This includes the small ponds, lakes, and streams that are located in many city parks, as well as areas such as marinas and mooring fields. The purpose of this publication is to provide all of the rules & regulations issued by Parks & Recreation that relate to boating and water use and safety.

In February 2003, the Department published a new set of rules relating to the use of Parks' waterways in the City Record. On March 14, 2003 new rules took effect for the use of Park's facilities at W. 79 th Street Boat Basin, World's Fair Marina, in Sheepshead Bay and Great Kills Harbor. Sheepshead Bay and Great Kills Harbor were areas for which the United States Coast Guard had formerly issued permits, but pursuant to notice in the Federal Register, the Coast Guard terminated its permit program effective May 1, 1997.

There are also provisions in chapter one of the Department's rules and regulations that belong in a publication of this type; these concern water use and safety in land-based parks. The full set of these rules is printed in Parks' *Rules and Regulations*. All of these rules and regulations have the force of law pursuant to chapter 533(a)(9) of the City Charter. The penalties for violation are set forth in section 107 and a schedule of fines is included for all violations involving water in parks.

If you have any comments concerning this publication, or the Department's rules and regulations in general, please contact the General Counsel Office, the Arsenal, Central Park, New York, NY 10021. Our telephone number is 212-360-1313, and our fax is 212-360-1373. We hope you have a fun and safe time on and in our water.

Excerpts from Parks Rules & Regulations (chapter 1, 56 R.C.N.Y.)

§ 1-04 Prohibited Uses

.....

c. Littering, Polluting, Dumping, and Unattended Property

(1) No person shall litter in any park. All persons shall use receptacles provided for the disposal of refuse. No person shall deposit household or commercial refuse in any park receptacle.

(2) No person shall throw, drop, allow to fall, or discharge into or leave in the waters within any park (including pools and bathing areas), or any tributary, brook, stream, sewer or drain flowing into said waters, any substance, liquid or solid, which may or will result in the pollution of said waters.

(3) No person shall engage in dumping in any park.

(4) No person shall, within or adjacent to any park, store or leave unattended personal belongings

.....

g. Abuse of Park Animals

(1) No person shall within any park (including any zoo area) molest, chase, wound, trap, hunt, shoot, throw missiles at, kill or remove any animal, any nest, or the eggs of any amphibian, reptile or bird; or knowingly buy, receive, have in his or her possession, sell or give away any such animal or egg taken from or killed within any park (including any zoo area).

(2) No person shall feed animals in any park (including any zoo area) except unconfined squirrels and birds, and where specifically authorized by the Commissioner. The Commissioner may also designate certain areas where all feeding of animals is prohibited. It shall be a violation of these rules to feed animals in any area where such feeding is prohibited.

.....

i. Failure to Control Animals

Except as specified in §1-05(s)(3), no person owning or possessing any animal shall cause or allow such animal to be unleashed or out of control in any park, except as permitted by the Commissioner. Any such animal found at large may be seized and impounded. Properly licensed dogs and cats, restrained by a leash not exceeding six feet in length, may be brought into the park, except in no event shall dogs or other animals be allowed to enter any playground, zoo, bathing facilities, picnic area, park building or other area prohibited by the Commissioner. Nothing in this section shall be construed to prohibit seeing eye dogs, hearing ear dogs or other dogs trained to assist such persons into these areas. Nothing herein shall prohibit horses entering or being within a park as provided in subdivision 1-05(q).

.....

r. Unhygienic Use of Fountains, Pools, and Water

No person shall use, or permit any animal under his or her control to use, any water fountain, drinking fountain, pool, sprinklers, reservoir, lake or any other water contained in the park for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings. This subdivision shall not apply to those areas within the parks which are specifically designated for personal hygiene purposes (i.e., bathroom, shower room, etc.), provided, however, that no person shall wash his or her clothes or personal belongings in such areas.

.....

§ 1-05 Regulated Uses

.....

g. Beaches, Boardwalks and Pools

(1) Bathing in waters adjacent to property under the jurisdiction of the Department shall be permitted only at authorized bathing beaches and only during the bathing season designated by the Commissioner. The Commissioner may limit or expand the extent of bathing beaches or shorten or extend the bathing season with due regard for weather conditions and the safety of the public. It shall be a violation of these rules to bathe during storms or be present at any time in unauthorized areas.

(2) Except where permitted by the Commissioner, no person shall bring into or use in any pool under the jurisdiction of the Department, artificial floats, masks, spears, fins, snorkels, air or gas tanks, or other apparatus used for skin or scuba diving. No person shall bring into or use in any other water under the jurisdiction of the Department, artificial floats, spears, fins, snorkels, air or gas tanks, or other apparatus used for scuba diving.

(3) Except in locations designated for such purpose, no person shall engage in any athletic game or conduct himself in such a way upon a bathing beach or in the water as to jeopardize the safety of himself or others. Surfboards are allowed only at areas expressly designated for such use.

(4) No person having, or apparently having any infectious disease shall be admitted to a bathing beach or bath house, or shall be permitted in the water.

(5) No person shall change clothes except in bath houses or other authorized places. No person shall be nude at any bathing area, beach or pool under the jurisdiction of the Department.

(6) No person shall disobey the reasonable direction of a lifeguard, nor shall any person carry on unnecessary conversation with a lifeguard, or falsely call for help or assistance, or stand, sit upon, or cling to lifeguard perches, or cling to or go into a lifeguard boat except in an emergency.

(7) Persons using swimming pools under the jurisdiction of the Department may only do so if dressed in bathing suits, and only after showering at the park immediately prior to entering such pools.

(8) Bathing and swimming in park swimming pools shall be allowed only on such days and at such times as are designated by the Commissioner and posted at each facility.

(9) No person shall dive into water under the jurisdiction of the department except where specifically authorized by posted signs.

.....

h. Fishing

(1) Fishing shall be permitted from locations under the jurisdiction of the Department, except in open swimming areas or where specifically prohibited. Any person who engages in fishing shall obey all posted guidelines, and comply with all applicable City, State and Federal laws and regulations, including Title 6 of the New York State Environmental Conservation Law.

(2) The use of lead fishing weights in waters under the jurisdiction of the Department shall be a violation of these rules.

(3) Failure to remove fishing line fragments and hooks from land and waters under the jurisdiction of the Department shall be a violation of these rules.

(4) All fish caught in fresh water areas shall be immediately released. The use of barbed hooks in such areas shall be a violation of these rules.

(5) The use of traps to catch fish and/or crustaceans in areas under the jurisdiction of the Department shall be prohibited.

.....

j. Boating

No person shall land a boat of any kind other than a human-powered boat other than a human-powered boat, such as a kayak, canoe, rowboat or pedal boat, on any park shore except at designated landing areas or in case of an emergency. No person shall operate a boat of any kind, including jet-skis, upon any waters under the jurisdiction of the Commissioner in a reckless manner so as to endanger the life, limb or reasonable comfort of his or her passengers or other persons. Boating in any authorized bathing area is prohibited.

.....

§ 1-07 Penalties

a. Any violation of these Rules other than Rule 1-04 (b)(1)(i) shall constitute a misdemeanor triable by the Criminal Court of the City of New York and punishable by not more than ninety days imprisonment or by a fine of not more than \$1,000, or by both, in accordance with § 533(a)(9) of Chapter 21 of the New York City Charter.

.....

c. Any violation of these Rules shall also constitute a violation triable by the Environmental Control Board and punishable by a civil penalty of not more than \$10,000, in accordance with §533(a)(9) of Chapter 21 of the New York City Charter.

DEPARTMENT OF PARKS AND RECREATION

Rules Governing the West 79th Street Boat Basin, the Sheepshead Bay Piers and the World's Fair Marina

§ 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 and which is not covered by a concession agreement with the department. These special rules supplement the general rules which govern the use of 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.

§ 3-02 Definitions.

“Boat Basin”	The West 79 th Street Boat Basin located in Riverside Park on the east bank of the Hudson River at West 79 th Street in Manhattan.
“Boat Launch”	Any location designated by the 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 person appointed by the commissioner that is responsible for the overall administration of division facilities and enforcement of department policies and rules.
“Commercial Permit”	A permit to store, dock or launch a vessel used for commercial operations.
“Commissioner”	The commissioner of Parks and Recreation.
“Department”	The department of Parks and Recreation.
“Dinghy”	A tender with a total length of twelve feet or less.
“Dockmaster”	The person who administers, manages or maintains the marina, piers and boat basin at the direction of the supervisory or chief dockmaster
“Emergency”	Any situation which the dockmaster determines threatens imminent personal injury, property damage or environmental damage.
“Facility”	Any or all of the boat basin, marina and piers.
“Garage”	The underground parking garage at the rotunda in the boat basin.
“Guest”	A person who enters the marina, piers or boat basin at the invitation of a permittee to board the permittee's vessel.
“Marina”	The World's Fair Marina in Flushing Bay, located in Flushing Meadows Corona Park, Queens.
“Marine Division”	Department of Parks and Recreation division responsible for managing, operating and maintaining recreational and

	commercial vessel usage at, but not limited, to the division facilities and mooring fields.
“Parking Permit”	Dated written permission to park at the marina parking lot or boat basin garage.
“Permit”	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. Such term does not include parking permits.
“Permittee”	The person whose name appears on a permit and members of his or her immediate family.
“Permittee Family”	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.
“Personal Watercraft”	Any mechanically propelled vessel which carries one or more individuals.
“Piers”	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 for the administration of marine division facilities and enforcement of department policies and rules under the direction of the chief dockmaster.
“Vessel”	A floating craft of any kind, including but not limited to a boat, sailboat, motorboat, dinghies, canoe and kayak.
“Waiting list”	A list maintained by the 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.

§ 3-03 Access.

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 to enter. All private contractors must be properly licensed and insured, proof of which shall be registered with the marine 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.

§ 3-04 Guests.

Access to the marina, piers and boat basin by guests is subject to the following conditions:

a. All guests and members of a permittee's family must comply with these rules. Anyone who fails to comply with such rules may be expelled from the facility. Anyone who repeatedly fails to comply with the rules may be permanently barred from the facility. Permittees are responsible for the conduct of their guests and family members. Violations of these rules by guests and / or a permittee's family can be grounds for termination of the permittee's permit in accordance with § 3-06(g) of this chapter.

b. In the interest of safety, the dockmaster may limit the number of guests on a vessel. In no cases shall the number of persons onboard a vessel exceed the manufacturer's builders plate.

c. A permittee must notify the dockmaster in writing of any person who will be boarding his or her vessel when the permittee is not in the marina or boat basin. Guests may not stay overnight on a vessel when the permittee is not on board without a guest pass issued by the dockmaster. The dockmaster may refuse or terminate such permission where he or she has reason to believe that there has been a transfer of the right to occupy the vessel by the permittee to the guest.

d. If a permittee intends to have a guest remain overnight on his or her vessel while the permittee is not on board, a guest pass must be obtained from the dockmaster. This pass may be issued for up to one month. No guest may remain in the marina or boat basin for longer than one month while the permittee is absent, although the dockmaster has discretion to extend this limit for good cause. Any guest who has not been authorized to remain overnight in the marina or boat basin will be denied access.

§ 3-05 Inspections.

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

§ 3-06 Permits.

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

b. 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. Dockage permits shall only be issued for vessels that the dockmaster determines are capable of operating in open water. Before issuing a permit, the dockmaster may inspect a vessel and/or require a demonstration of the vessel's operational capability in open water. This provision shall not apply to the renewal of 12 month dockage permits for vessels which were docked in the boat basin prior to May 1, 1997, unless they are sold or otherwise transferred to another permittee. If a vessel, that is covered by this exemption, leaves the boat basin for any reason, it must return capable of operating to the original manufacturer's operating standards and be insured for the remainder of the permit. Vessels that lose this exemption must be maintained as an operating vessel for the life of the permit.

d. 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. A permit shall be issued to the named permittee for a particular vessel and is not transferable. 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. All completed permit applications shall be submitted to the department. All outstanding fees, charges, fines and civil penalties must be paid before a renewal application will be considered.

g. The supervisory dockmaster may revoke, terminate or refuse to renew any permit issued pursuant to this section:

(i) where the permittee or applicant for renewal has been found liable in a proceeding before the environmental control board or in a court of three or more violations of these rules or the rules set forth in chapters one and two of this title

(ii) 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) where the permittee or applicant for renewal has been found liable in a proceeding before the environmental control board or in a court of engaging in disorderly behavior as defined in section 1-04(i), paragraphs (6) (7) and (9) of chapter one of this title or (iv) as provided in subdivision i of this section, in accordance with the needs or requirements of the department or the interests of the city as determined by the supervisory dockmaster.

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) 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) A permittee or applicant for renewal may file written objections with the 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 shall make a final determination whether to affirm or reverse the chief dockmaster's 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. Nothing in this chapter shall be construed to create a property right in any permit. All permits issued by the department are by their nature terminable at will by the commissioner in accordance with the needs or requirements of the department or in the interest of the city as determined by the commissioner.

j. 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 of violating any provision of these rules or the rules set forth in chapters one and two of this title or who has a delinquent payment record may be required to make a deposit before a renewal application will be considered.

k. 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. 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.

m. (i) 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 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) 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. Every applicant and permittee must provide the dockmaster with an address in writing at which he or she may receive notice required by these rules or other applicable law. Any change in address must be reported in writing to the dockmaster within 10 days.

o. 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. Permits will be immediately revoked for any of the following reasons:
- (i) Conduct endangering the safety of any person.
 - (ii) Fire aboard a vessel that is determined to be caused by the improper upkeep of a vessel.
 - (iii) The improper use of heating equipment, including the storing of kerosene, installation or repair of electrical equipment by other than a qualified electrician.
 - (iv) A violation of §3-13.
 - (v) Trespassing aboard another vessel docked or moored at a marine division facility.
 - (vi) Violation of this subdivision by guests or immediate family members of a permit holder.
 - (vii) Renting or subletting of permits.
 - (viii) Any other action which interferes with the safe operation of division facilities, including but not limited to violations of §3-08.

§ 3-07 Waiting list.

The department shall maintain and utilize a waiting list for the issuance of seasonal dockage permits and mooring permits, which shall be available upon request from the 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 att: Boat Basin Waiting List via return receipt U.S. mail on forms supplied by the department and accompanied by a processing fee of \$25.

§ 3-08 Conduct.

- 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. Composting toilet systems are not permitted. 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. No person shall discharge into the water or on the docks and walkways any oil, spirits, drift, debris, inflammable liquids, rubbish or refuse.
- c. No person shall bring or park a motor vehicle on the promenade or docks without the prior written approval of the dockmaster.
- d. 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 and other sound reproduction devices after 10 p.m. Sunday through Thursday and after midnight on Friday and Saturday.
- e. Garbage shall be placed in plastic bags and deposited in designated receptacles.
- f. 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. 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. 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. No running or skating on the dock.

k. No advertising from the vessel while docked or moored at a division facility.

§ 3-09 Docking of vessels.

a. Vessels must be docked at slips designated by the dockmaster. Slips will be assigned using an appropriate ratio 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 are paid in full. 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.

b. All vessels shall be adequately tied to the dock and shall have sufficient fenders and dock lines to secure the vessel in all wind and weather conditions. The dockmaster may require the replacement of dock lines which he or she finds to be inadequate or, where necessary, may in his or her discretion replace the dock lines and charge the cost to the permittee or owner of the vessel.

c. Vessels may be temporarily relocated within or outside the facility in an emergency or to accommodate construction work at the facility. When a vessel must be moved to accommodate construction work the dockmaster will give the permittee or owner 48 hours written notice to move the vessel. If the vessel is not moved within the required time the dockmaster may move the vessel or cause the vessel to be moved and charge all costs associated with moving or storage to the permittee or owner.

§ 3-10 Condition of vessels.

a. All vessels in the facility and all equipment thereon shall be maintained in good order and free of any hazard to persons, vessels or facility structures. In addition, all vessels docked at the piers or the marina must be seaworthy.

b. No structural modifications may be made to the superstructure of a vessel docked at the facility and/or permitted to use the facility. 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.

§ 3-11 Operation of vessels.

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

b. 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.

§ 3-12 Required safety equipment.

All vessels docked in the facility shall have on board at all times all equipment required by the Coast Guard, as well as for vessels longer than 25 feet:

- a. Two 10-pound CO2 canister fire extinguishers or two dry chemical 20 pound ABC fire extinguishers approved for marine use and stored at opposite ends of the vessel.
- b. No fewer than two operable automatic smoke alarms.

§ 3-13 Utilities.

a. Vessels docked at the marina and boat basin may only be supplied with electricity through the metered electrical hook up at its assigned slip. All electrical or utility connections must be free of defects. No person shall tamper or interfere with an electric meter. A permittee must pay all metered charges for electricity. Electrical lines shall not be rigged or positioned so as to obstruct walkways or docks.

b. Electricity shall not be used for heating a vessel. The dockmaster may issue orders limiting or restricting the installation and use of appliances which he or she determines require quantities of electricity that may disrupt electrical service at the marina or boat basin.

c. At those times when the 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.

§ 3-14 Maintenance and use of docks.

a. Except as hereinafter provided, personal property shall not be stored on piers, docks or walkways. Personal property may be stored by a permittee in a dock box no larger than 30 cubic feet and no higher than 30 inches located on a fixed pier. At the marina, personal property may also be stored in dock boxes on floating docks if permission is granted by the dockmaster. The name of the permittee shall be clearly posted on the dock box. The dock box shall be positioned so as not to obstruct the walkway or impede access to the vessel. The location of the dock box shall be subject to the approval of the dockmaster. No dock boxes shall be permitted on floating piers at the boat basin.

b. Personal property left unattended on a pier in violation of this provision, including noncomplying dock boxes, shall be subject to removal by the dockmaster. The dockmaster shall give notice to the owner of the property prior to such removal if the identity of and an address for such person are reasonably ascertainable or to the permittee of the vessel docked in the slip adjacent to the place from which the property was removed. The cost of the removal and storage of such property shall be charged to the owner or permittee and shall be payable prior to release of the property. Any personal property which is unclaimed after thirty days shall be deemed to be abandoned and shall be turned over to the police property clerk for disposal pursuant to law.

c. It shall be unlawful to construct, reconstruct, alter, add to, extend or physically alter in any manner any slip, dock or pilings without the prior written approval of the dockmaster. Permittees may utilize boarding steps approved by the dockmaster.

d. A permittee shall keep the dock adjacent to his or her vessel, including the finger pier, free of refuse, rubbish and litter at all times.

§ 3-15 Removal of sunken vessel.

The dockmaster may require that any vessel which sinks be removed from the facility until appropriate repairs are made. A sunken vessel shall be removed from the facility within 48 hours after oral or written notice by the dockmaster to remove the vessel. Upon request of the permittee or owner, the dockmaster may in writing extend the time for removal of the vessel. If the vessel is not removed within the allowed time, the dockmaster may remove the vessel or cause it to be removed and may recover the cost of the removal and of storage or disposal of the vessel from the permittee or owner of the vessel. If the dockmaster determines that a sunken vessel is discharging pollutants into the water or causing any other kind of emergency, the department may take action to stop the cause of pollution and may remove or cause the vessel 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 from the permittee or owner of the vessel.

§ 3-16 Dinghies, kayaks and canoes.

a. A permittee holding a dockage permit may store one dinghy, kayak or canoe alongside the permitted vessel or in another location approved by the dockmaster without obtaining a separate permit for such dinghy, kayak or canoe. In all other cases, including but not limited to personal watercraft, a separate permit must be obtained for each vessel.

b. No kayak, dinghy or canoe shall be launched from or stored at the facility without a permit. No kayak or canoe shall be launched from the marina or boat basin except at a location specified by the dockmaster.

§ 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. Parking permits shall be issued to permittees who hold dockage, mooring or kayak permits for vessels and shall expire at the same time as that permit. If there are more permittees than available spaces, the department shall maintain a waiting list of permittees eligible for parking permits, which shall be available upon request. Parking permits are issued to the person named on the permit and are valid only for the registered vehicle 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 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 forth in section 1224 of the Vehicle and Traffic Law.

§ 3-18 Pets.

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 law or rule.

b. The owner or other person in charge or control of a pet shall expeditiously remove, clean or clear all feces or vomit deposited by the pet from the walkways and docks.

c. The dockmaster may order the removal of a pet from the facility where the owner or other person in charge or control of the pet has failed or refused to prevent the pet from harassing or harming other persons or has failed or refused repeatedly to remove, clear or clean feces or vomit deposited by the pet on the walkways or docks.

d. All dogs, cats and other pets must be kept on a leash, or in appropriate carrying cases or cages, when not confined aboard a vessel.

§ 3-19 Orders.

In addition to the orders specifically referred to in these rules, the department may issue any other orders which may be necessary or appropriate to enforce compliance with these rules or the rules set forth in chapters one and two 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.

§ 3-20 Unlawful use of slip or vessel.

No person shall permit or cause any slip or vessel or any portion thereof to be used or occupied for an illegal purpose.

§ 3-21 Penalties.

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

§ 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. The dockmaster is authorized to exempt holders of these commercial permits from certain rules set forth in this chapter 3.

§ 3-23 Fees.

a. West 79th Street Boat Basin

		May 2003	May 2004
Seasonal Dockage	Summer (May 1—October 31)	\$90/linear foot or \$2250, whichever shall be greater.	\$100 / linear foot or \$2500, whichever shall be greater/.
	Winter (November 1—April 30) Current Permittees' only	\$65/linear foot	\$75/linear foot
Dock & Dine (4 hour maximum)	25 feet or less	\$25	\$25
	26 feet or more	\$30	\$30
Transient Dockage		\$2.50/linear foot/day	\$2.50/linear foot/day
Kayak/canoe Storage		\$250 / every six months	\$250 / every six months
Parking		\$250/month	\$250/month
Slip Dockage Waiting List	Application	\$50	\$60
Commercial Landing Fee	30 minute maximum	\$4/linear foot	\$4/linear foot
Sanitation Waste System Pump Out	Commercial vessels only	\$60 plus labor	\$75 plus labor
Bilge Pump Out	Per pump provided, plus labor	\$55	\$65
Labor Rate		\$65/hour	\$75/hour
Transient Electric	30 amp	\$10 / day	\$10 / day
	50 amp	\$20 / day	\$20 / day
	100 amp	\$35 / day	\$35 / day
Electricity		\$0.20/kilowatt hour	\$0.20/kilowatt hour
Parking Pass	Daily	\$10	\$15
Towing Outside Marina		\$150/hour	\$150/hour
Towing Inside Marina		\$65 / hour	\$75 / hour

b. World's Fair Marina

		May 2004	May 2005
Summer Dockage	20 feet or less	\$1250	\$1300
	21 to 26 feet	\$65/linear foot	\$68/linear foot
	27 to 35 feet	\$68/ linear foot	\$71/ linear foot
	36 to 45 feet	\$72/ linear foot	\$76/ linear foot
	46 to 65 feet	\$88/ linear foot	\$93/ linear foot
	66 feet or greater	\$110/ linear foot	\$115/ linear foot
Commercial Charter Boat		\$120/linear foot	\$130/linear foot
Winter Storage	Water	\$28/ linear foot	\$35/ linear foot
	Land	\$36/ linear foot	\$43/ linear foot
Dock & Dine (4 hour maximum)	25 feet or less	\$20	\$20
	26 feet or more	\$25	\$25
Transient Dockage		\$2/linear foot	\$2/linear foot
Transient Electricity	30 amp	\$7 / day	\$7 / day
	50 amp	\$12 / day	\$12 / day
	100 amp	\$40 / day	\$40 / day
Electricity		\$0.20/kilowatt hour	\$0.20/kilowatt hour
Commercial Landing Fee	30 minute maximum	\$3/ linear foot	\$3/ linear foot
Passenger Pickup/Drop-off	25 feet or less	\$5	\$5
	26 to 50 feet	\$10	\$10
	51 feet or more	\$25	\$25
Sanitation System Pump Out	(commercial vessels only)	\$60 plus labor	\$75 plus labor
Water Pump Out	Per pump provided	\$40 plus labor	\$40 plus labor
Labor Rate		\$65/hour	\$75/hour
Crane Service		\$100/hour	\$100/hour
Travel Lift		\$100/hour	\$100/hour
Forklift		\$90/hour	\$90/hour
Haul Out		\$2.50/linear foot	\$2.50/linear foot
Launch		\$2.50/linear foot	\$2.50/linear foot
Move One Away		\$2.50/linear foot	\$2.50/linear foot
Block		\$2.50/linear foot	\$2.50/linear foot
Load on Trailer		\$2.50/linear foot	\$2.50/linear foot
Pressure Wash Bottom		\$2.50/linear foot	\$2.50/linear foot
Step or Unstep Mast		\$5/linear foot	\$5/linear foot
Towing Inside Marina		\$65 / hour	\$75 / hour
Towing Outside Marina		\$150.00/hour	\$150.00/hour
Bottom Painting	30 feet or less	\$13.75 / linear foot	\$13.75 / linear foot
	31 feet or more	\$14.75 / linear foot	\$14.75 / linear foot

c. Sheepshead Bay Piers

Yearly Dockage \$99.99/linear foot

Rules Governing Mooring Fields under the Jurisdiction of the Department

§ 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. These rules supplement the general rules which govern the use of 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.

§ 4-02 Definitions

“Boat Basin”	The West 79 th Street Boat Basin located in Riverside Park on the east bank of the Hudson River at West 79 th Street in Manhattan.
“Chief Dockmaster”	Chief of the Department of Parks & Recreation Marine Division. The person appointed by the commissioner that is responsible for the overall administration of division facilities and enforcement of department policies and rules.
“Commercial Permit”	A permit to store, dock or launch a vessel used for commercial operations.
“Commissioner”	The commissioner of Parks and Recreation.
“Department”	The department of Parks and Recreation.
“Dockmaster”	The person who administers, manages or maintains the marina, piers and boat basin at the direction of the supervisory or chief dockmaster
“Emergency”	Any situation which the dockmaster determines threatens imminent personal injury, property damage or environmental damage.
“Marina”	The World’s Fair Marina in Flushing Bay, located in Flushing Meadows Corona Park, Queens.
“Marine Division”	Department of Parks and Recreation division responsible for managing, operating and maintaining recreational and commercial vessel usage at, but not limited, to the division facilities and mooring fields.

“Mooring fields”	Areas that are designated by the United States Coast Guard as Special Anchorage Areas and are under the jurisdiction of the department in Sheepshead Bay and Great Kills Harbor and the mooring fields adjacent to the 79th Street Boat Basin.
“Permit”	A permit to moor a vessel at a designated position in a mooring field.
“Permittee”	The person whose name appears on a permit.
“Piers”	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 for the administration of marine division facilities and enforcement of department policies and rules under the direction of the chief dockmaster.
“Vessel”	A floating craft of any kind, including but not limited to a boat, sailboat, motorboat, dinghy, canoe and kayak.
“Waiting list”	A list of persons interested in obtaining permits, which shall be maintained by the department

§ 4-03 Inspections

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

§ 4-04 Permits

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

(c) A permit shall be issued to the permittee named thereon and is not transferable.

(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 or for a vessel which exceeds 65 feet in length.

(e) A permit will not be issued to an applicant who has any outstanding fees, charges, fines or civil penalties due the 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 in advance so the 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 grants a new permit. The 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.

(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 waiting list until the 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 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. No vessel shall be moored at such moorings for the accommodation of guest vessels of such yacht clubs or marinas for more than fifteen consecutive days. Any such person, yacht club or marina 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 may also issue transient permits for a term of one week or one day.

(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 prior to July 1. All outstanding fees, charges, fines, and civil penalties due the 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 or (3) as provided in subdivision 1 of this section, in accordance with the needs or requirements of the department or the interests of the city as determined by the Commissioner. The department shall send by certified mail notice of the intention to revoke, terminate, or refuse to renew a permit and the reasons therefore. 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 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 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 are by their nature terminable at will by the Commissioner in accordance with the needs or requirements of the department or in the interests of the city as determined by the Commissioner.

(m) The department may impose reasonable conditions on the issuance of a permit to protect public safety and to safeguard the interests of the 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 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 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 in accordance with applicable law.

(o) Every applicant and permittee must provide the department with an address in writing at which he or she may receive notice required by these rules or other applicable law. Any changes in address must be reported in writing to the department within 10 days.

§ 4-05 Waiting list

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

§ 4-06 Conduct

(a) No person at the Sheepshead Bay or Great Kills Harbor mooring fields 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. Use of composting toilet systems are not permitted in the mooring fields. All vessels at the boat basin must have waste holding tanks and discharge waste through the pump out station.

(b) No person shall discharge into the water any oil, spirits, drift, debris, inflammable liquids, rubbish, 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.

(d) 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 may restrict the outdoor use of radios, record players, compact disc players, television receivers, tape recorders and other sound reproduction devices after 11 p.m. Sunday through Thursday and after 12 p.m. on Friday and Saturday.

(e) No person shall make an open fire on any vessel while alongside any dock or within the confines of the boat basin. 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.

§ 4-07 Mooring of vessels

(a) All vessels moored at the boat basin shall be secured to the mooring provided by not less than two mooring bridles. All vessels at the Sheepshead Bay or Great Kills Harbor mooring fields shall be secured by moorings meeting the following requirements:

(1) The anchor, chain and pendant of all moorings shall meet the following requirements:

(A) the anchor scope shall be at least three times the distance from the land under the water of the harbor to mean high water;

(B) the pendant safe working load shall be at least four times the anchor weight;

(C) the anchor type shall be either mushroom or navy;

(D) (i) if the vessel length is 15 feet or less, each anchor shall weigh at least 100 pounds and be connected to a buoy by a metal chain no less than 5/16 inches in diameter, and the pendant shall be at least 4 feet in length; (ii) the vessel length is greater than 15 feet but not greater than 21 feet, each anchor shall weigh at least 150 pounds and be connected to a buoy by a metal chain no less than 3/8 inches in diameter, and the pendant shall be at least 8 feet in length; (iii) if the vessel length is greater than 21 feet but not greater than 26 feet, each anchor shall weigh at least 200 pounds and be connected to a buoy by a metal chain no less than 3/8 inches in diameter, and the pendant shall be at least 10 feet in length; (iv) if the vessel length is greater than 26 feet but less than or equal to 65 feet, each anchor shall weigh no less than 10 pounds per foot of vessel length and be connected to a buoy by a metal chain no less than 1/2 inch in diameter for each anchor weighing no more than 400 pounds, or not less than 5/8 inches in diameter for each anchor weighing more than 400 pounds, and the pendant shall be at least 10 feet in length.

(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 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.

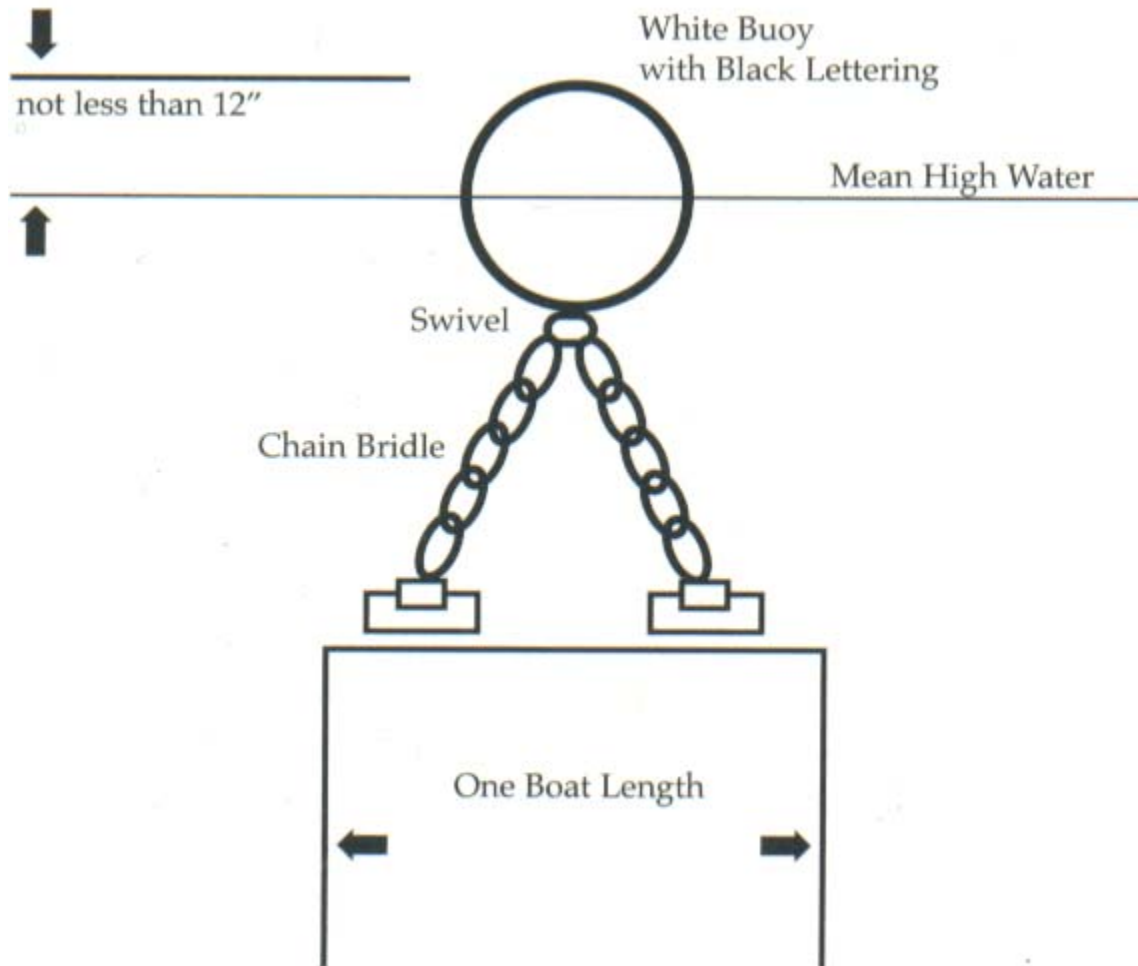


Figure 1.

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

(4) Buoys shall be painted with the permit number and the mooring location in black block letters no less than three inches high.

(5) Fixed mooring piles or stakes are not permitted.

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

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

(d) All parts of the mooring, including the buoys, anchors and chains, shall be supplied and installed by the permittee and shall remain the property of the permittee at the mooring fields at Sheepshead Bay and Great Kills Harbor.

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

(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 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 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.

§ 4-08 Condition of Vessels

All vessels in the mooring field and all equipment thereon must be maintained in good order and free of any hazard to persons or vessels. All vessels in the mooring field shall comply with all federal, state and local laws, rules and regulations concerning the condition of vessels and equipment.

§ 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.)

§ 4-10 Required safety equipment

All vessels in the mooring fields must have on board at all times all equipment required by the Coast Guard or by any other federal, state or local law, rule or regulation.

§ 4-11 Removal of sunken vessels

A sunken vessel shall be removed from the mooring fields within 48 hours after oral or written notice by the department to remove the vessel. Upon request of the permittee or the owner of the vessel, the department may, in writing, extend the time for removal of the vessel. If the vessel is not removed within the allowed time, the department may remove the vessel or cause it to be removed and may recover the cost associated with removal and of storage or disposal of the vessel from the permittee or owner of the vessel. If the department determines that a sunken vessel is discharging pollutants into the water or causing any other kind of an emergency, the department may take action to stop the cause of pollution and may remove or cause the vessel 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 from the permittee or owner of the vessel.

§ 4-12 Dinghies, kayaks and canoes

A permittees may store one dinghy, kayak or canoe under 14 feet in length on or alongside the permitted vessel without obtaining a separate permit for such dinghy, kayak or canoe. In all other cases, including but not limited to personal watercraft, a separate permit must be obtained for each vessel.

§ 4-13 Orders

The 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.

§ 4-14 Unlawful use of vessel

No person shall permit or cause any vessel or any portion thereof to be used or occupied for an illegal purpose.

§ 4-15 Penalties

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 of this title.

§ 4-16 (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. The commissioner is authorized to exempt holders of these commercial permits from the rules set forth in chapter 3 and chapter 4

§ 4-16 (b) Fees

Mooring at West 79th Street Boat Basin

As of May 1, 2003

\$25/day

\$150/week

\$1250/season

Statement of Basis and Purpose

This rule is promulgated pursuant to the authority of the Commissioner of the Department of Parks and Recreation (the “Commissioner”) under sections 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.

The amended chapters incorporate the establishment of Parks’ Marine Division which is responsible for managing, operating and maintaining division facilities and enforcing Park Rules & Regulations at such facilities. The revisions improve security, safety and operational efficiency at the facilities. A formal appeals process has been included allowing permittees to appeal dockmaster determinations to revoke, terminate or refuse to renew any permit pursuant to these chapters. The rules also provide an updated fee schedule through the 2003 winter and summer seasons. The increased fees are essential to ensure the continued usage and enjoyment of marina facilities for recreational purposes and are intended to provide funding for the Department of Parks and Recreation to sustain appropriate staffing levels and improve facility administration. Moreover, these fees are in line with other municipalities and are far below the fees charged by marinas operated by for-profit establishments.