

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending the Chapter 106 entitled "Waterways" of the Riverhead Town Code, at its regular meeting held on March 18, 2015.

Be it enacted by the Town Board of the Town of Riverhead as follows:

CHAPTER 106
WATERWAYS

§ 106-16. Penalties for offenses.

- ~~A. Any person who violates any provision of this chapter shall be guilty of an offense and shall, upon conviction, be subject to a fine not to exceed \$500 or less than \$50 or imprisonment for not more than six months, or to both such fine and imprisonment.~~
- ~~B. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.~~

§ 106-17. Severability.

~~If any clause, sentence, section, paragraph or provision of this chapter or any rule or regulation hereunder shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, section, paragraph or provision or rule or regulation directly involved in the controversy in which such judgment~~

§ 106-17. When Effective.

~~This chapter shall become effective pursuant to law of the State of New York.~~

Article IV Jet Pack Vessels

§ 106-16. Scope.

- A. The regulations of this Article shall govern the use of JetPack Vessels on all waters of the Town of Riverhead.
- B. JetPack Vessels shall comply with all laws and regulations governing Class A vessels including but not limited to registration, operation, and navigation.
- C. JetPack Vessels shall comply with all laws and regulations as set forth in Chapter 106 of the Town Code of the Town of Riverhead governing vessels.
- D. JetPack Vessels operated for recreational or commercial ("for hire") uses are subject to all boating safety laws, unless otherwise noted in these regulations.

§ 106-17. Purpose.

The purpose of this Article is to develop comprehensive safety standards and registration requirements for JetPack Vessels operated on the waters of the Town of Riverhead.

In addition, this Article is adopted in order to protect the waterways of the Peconic River and the Peconic Estuary. The Peconic River, classified as “Impaired Waters” (303 d list) by the NYS Department of Environmental Conservation suffers from excessive nitrogen loadings that have been responsible for chronic algal blooms and extremely low dissolved oxygen (DO) levels. Low DO levels in the Peconic River have caused a number of fish kills that have generally occurred during the warm weather months when DO levels are normally lower.

One of the sources of nitrogen is nutrient flux, or the cyclic release of nitrogen from highly enriched organic bottom sediments. Although a naturally occurring phenomenon, nutrient flux can be triggered by, and made more severe by the agitation of bottom sediments. Specifically, the bottom sediments are displaced, put into suspension within the water column. Inadvertent propeller dredging by boats is a typical cause for suspension. Because the sediments are so fine (extremely small) the displacement and associated turbulence can cause the sediments to remain in suspension for many hours, if not days. The impacts to water clarity and DO levels can be severe at times.

The use of a water jet powered JetPack Vessels within the Peconic River corridor, will without question cause the suspension of the highly enriched organic sediments. Moreover, the constant activity of the JetPack Vessels will create enough turbulence that the sediments will remain in suspension for prolonged periods of time. While in suspension, DO levels and water clarity will precipitously be lowered, negatively impacting aquatic life. While prop dredging from motorized vessels does occur, a trained boat operator will make every effort to avoid this from happening by staying within the designated deeper water navigation channels. The disturbance of bottom sediments from water jet propulsion from JetPack Vessels activities cannot be avoided within the Peconic River.

§ 106-18. Exceptions.

This chapter does not apply to:

- A. JetPack Vessels used solely for the purpose of emergency rescue operations and associated emergency training programs; and
- B. If approved by state and federal regulatory agencies, if applicable and if approved the Town Board of the Town of Riverhead pursuant to Chapter 90 and/or section 106-9 of the Town Code of the Town of Riverhead where JetPack Vessels are engaged in a:
 - (1) Professional exhibition;
 - (2) Regatta;
 - (3) Motorboat race or other boat race;
 - (4) Marine parade; or
 - (5) Tournament or exhibition.
- C. Not more than two (2) of the events set forth above in subsection B. shall be conducted within any calendar year.

§ 106-19. Definitions and word usage.

A. The following terms, phrases and their derivatives shall have the meanings herein.

BOAT UNIT

The portion of the JetPack Vessel that contains the jet pump and water intake valve(s).

The boat unit includes:

- (a) A separately registered personal watercraft that is attached to the jet propelled device via a high pressure water hose; or
- (b) A streamlined hull consisting of an engine and water pump that is connected to the jet propelled device via a high pressure water hose. The hull is not required to have seating for an operator or passenger.

CLASS A VESSEL

A motorboat less than 16 feet in length.

HELMET

An “International Orange” colored water sports helmet.

INSTRUCTOR

Any person that provides instruction regarding the operation and use of the JetPack Vessel.

JETPACK VESSEL

A system whereby a jet propelled device is attached via a high pressure water hose to a boat unit that contains a jet pump. The boat unit intakes water and pumps it through the high pressure water hose to the jet propelled device capable of elevating a rider from the surface of the water.

JET PROPELLED DEVICE

The portion of the JetPack Vessel where the rider is seated or standing including but not limited to jet propelled boards, jetpacks and water bikes.

OBSERVER

Means a person other than the rider that is responsible for the safety of the rider and all equipment involved in the JetPack Vessel operation.

OPERATE

To navigate or otherwise use a vessel and or move or support a person in the water or air.

OPERATOR

The person that controls the thrust of the jet propelled device. The operator may also serve as the rider.

OWNER

The person or entity that registers the JetPack Vessel.

PERSONAL WATERCRAFT

A Class A vessel which:

- (a) Has an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;
- (b) Is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;
- (c) Has the probability that the operator and passenger may, in the normal course of use, fall overboard; and
- (d) Is designed with no open load-carrying area which would retain water.

PORPOISE LIKE MOTION

The intentional operation of the jet propelled device under the surface of the water for a lateral distance of more than 2 feet and then resurfacing.

RESCUE VESSEL

A fully navigable motorized vessel sufficient to carry all of the people involved in the JetPack Vessel activity.

RESTRICTED VISIBILITY

Any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

RIDER

The person actually on the jet propelled device. The rider may also serve as the operator.

§ 106-20. Restrictions.

- A. A person may not operate or give permission to operate a JetPack Vessel in a reckless or negligent manner.
- B. A person may not lease, hire, rent, operate, or give permission to operate a JetPack Vessel unless the observer, operator, and rider are 16 years old or older.
- C. A person may not operate or give permission to operate a JetPack Vessel unless:
(1) An observer is on the boat unit;
(2) Where the boat unit does not require an observer on the boat unit, an observer is on a navigable rescue vessel that is located at least 100 feet, but no more than 300 feet, away from the rider;
(3) The observer is responsible for the safety of only one rider at a time; and
(4) The observer meets New York requirements for a vessel operator.
- D. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town of Riverhead unless the rider is wearing a “International Orange” water sports helmet.
- E. A person may not operate or give permission to operate a JetPack Vessel unless the rider is wearing a high impact Type I, Type II, or Type III personal flotation device approved by the U.S. Coast Guard.
- F. A person may not operate or give permission to operate a JetPack Vessel in any area of water with a depth of less than 6 feet unless the jet propelled device and rider maintain contact with the water at all times.
- G. A person may not operate or give permission to operate a JetPack Vessel in properly identified speed zones unless the jet propelled device and rider maintain contact with the water at all times. Properly identified speed zones include 5 statute miles per hour speed zones and wake zones.

- H. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town of Riverhead within 300 feet in all directions, including vertically, of any bridge, residence, structure, shore, wharf, pier, piling, mooring ball, buoy, vessel, or people in the water. This distance restriction shall also apply to the instructor, the boat unit, or the operator.
- I. The rider is prohibited from picking up any other person or using a tandem harness to include a second rider.
- J. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town:
(1) Between sunset and sunrise; or
(2) In or near an area of restricted visibility; or
(3) In any channel or within 100 feet of any channel marker; or
- K. A JetPack Vessel operator, observer shall carry a certificate of Boater Safety Education.
- L. Where a JetPack Vessel is operated for commercial ("for hire") uses, a JetPack Vessel observer shall carry a CPR certificate.
- M. A person may not act as an observer, rider, operator, and instructor or give permission to operate or observe a JetPack Vessel on the waters of the State if they are:
(1) Under the influence of alcohol;
(2) Impaired by alcohol;
(3) So far impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or
(4) Impaired by any controlled dangerous substance, unless the person is entitled to use the controlled dangerous substance under the laws of the State.
- N. A person may not operate or give permission to operate on the waters of the State a JetPack Vessel unless it is equipped with an engine cutoff switch.
- O. All JetPack Vessels must be registered.

§ 106-21. Special Operating Conditions.

- A. A person may not operate or give permission to operate a JetPack Vessel in a porpoise like motion unless the water depth is a minimum of 20 feet.
- B. A person may not operate or give permission to operate a JetPack Vessel where the jet propelled device and rider rise higher than 6 feet unless the water depth is a minimum depth of 12 feet.

§ 106-22. Registration of Boat Units.

- A. All boat units shall have a valid:
(1) Hull Identification Number; and
(2) Vessel Registration.

§ 106-23 Penalties for offenses.

A Any person who violates any provision of this chapter shall be guilty of an offense and shall, upon conviction, be subject to a fine not to exceed \$500 or less than \$100 or imprisonment for not more than six months, or to both such fine and imprisonment.

B The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 106-24. Severability.

If any clause, sentence, section, paragraph or provision of this chapter or any rule or regulation hereunder shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, section, paragraph of provision or rule or regulation directly involved in the controversy in which such judgment

- Underscore indicates additions
- Overstrike indicates deletions

Dated: Riverhead, New York
March 18, 2015

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk