**LOCAL LAW NO.  3 OF 2022**

**VILLAGE OF TUXEDO PARK**

**A LOCAL LAW TO AMEND VILLAGE LAW RELATED TO THE LAKES AND PONDS**

BE IT ENACTED by the Board of Trustees of the Village of Tuxedo Park, Orange County, New York as follows:

**Section 1. Legislative Intent.**

It is the intent of this local law to amend Chapter 65 of the Village Code, entitled “Lakes and Ponds” to include a number of amendments to the code which would expand access to certain bodies of water within the Village. Further, these Amendments would expand recreationally permitted water activities and allow for the Village to rent Village-owned boats or aquatic recreational devices to residents.

**Section 2.  Authority.**

This local law is adopted pursuant to the provisions of General Municipal Law § 451 and § 10 of the Municipal Home Rule Law.

**Section 3.  Amendments of Village Law Chapter 65, Lakes and Ponds**

Chapter 65, Section 3 “Permit required for boats on” shall be amended as follows:

Chapter 65, Section 3 shall now be titled “Permit required for boats and aquatic recreational devices on lakes.”

**A.** No person authorized within this chapter to place a boat in or on the waters of any of the three lakes shall place a boat, kayak, canoe, or aquatic recreational device (effective January 1, 2023), used to traverse the waters of the lakes in or on the waters of any of the three lakes unless a permit therefor shall have been issued by the Village Clerk. Aquatic recreational devices shall include, but are not limited to, paddleboards, standing boards, surfboards, electric surfboards, or other devices in or upon which an individual or individuals may travel or float upon waters. Applications for a permit shall be made by the owner of a boat or aquatic recreational device (effective January 1, 2023), upon a form to be prescribed and furnished by the Village Clerk. Such form shall require a certification from the owner that the owner will comply with procedures approved by the Village for the cleaning of all boats or aquatic recreational devices placed in any of the lakes. A fee in an amount set by resolution of the Board of Trustees shall be paid to the Village by the applicant for a permit at the time the application is submitted. Such fee shall be refunded to the applicant in the event that a permit is not issued. The Village Clerk shall maintain a register of all such permits, which will include the name, address and telephone number of each permit holder and a description of the holder's boat or aquatic recreational device (effective January 1, 2023), including length, color, make, purchase date and the date on which the boat or aquatic recreational device was first put into or on any of the lakes.

**B.** No permit shall be issued hereunder unless the boat, kayak, canoe, or aquatic recreational device conforms to the requirements and regulations contained in this chapter.

**C.** Any permit issued hereunder shall be issued in duplicate, and the person to whom such permit is issued shall affix the same on both sides of the boat or aquatic recreational device, near the bow, or in a location where the permit will be visible at all times. Such permit shall be displayed whenever a boat is in or on the waters of the lakes.

**D.** All permits issued hereunder must be renewed annually. The Board of Trustees, in its discretion, may revoke or deny renewal of the permit of a holder who it determines has repeatedly violated Village laws or the provisions of this Code in connection with the use of the boat or aquatic recreational device to which the permit relates.

**E.** Any boat, kayak, canoe, or aquatic recreational device owned or operated by the Village or by any department thereof shall be required to obtain a permit but shall not be subject to any licensing or other fee.

**F.** Boats, aquatic recreational devices, other water floating devices, and the sizes thereof, may be permitted or prohibited by way of duly adopted resolution of the Board of Trustees.

Chapter 65, Section 4 “Rules and regulations applicable to Wee Wah Lake” shall be amended as follows:

[**A.**](https://ecode360.com/11135745#11135745)   No person may fish in or on the waters of Wee Wah Lake unless he or she is a resident or non- resident property owner, or long-term renter (over 6-months), or an accompanied guest of a resident or non-resident property owner, or long-term renter (over 6-months) of the Village of Tuxedo Park or a member of any organization of club licensed or operated by the Village.

**B.** No person shall bathe, swim, wade or otherwise immerse himself or herself in the waters of Wee Wah Lake, unless he or she is a resident or non-resident property owner, or long-term renter (over 6-months), or an accompanied guest of a resident or non-resident property owner of the Village of Tuxedo Park, or long-term renter (over 6-months), or a member of any organization or club licensed or operated by the Village. Non-waterfront Residents or non-residential property owners with property or long-term renter (over 6-months) that does not abut the Wee Wah Lake shall only be permitted to swim in the Wee Wah Lake if they are members of the Wee Wah Park and Beach Club during its official hours of operation.

**C.** Residents and/or non-resident property owners of the Village, or long-term renter (over 6-months) or a member of any organization of club licensed or operated by the Village shall be permitted to launch and retrieve boats for use on Wee Wah Lake in accordance with posted regulations governing such activities.

**D.** No person shall operate, allow or otherwise permit a boat or aquatic recreational device owned by him or her, or under his or her control, to enter the areas of Wee Wah Lake which have been designated by the Village as swimming areas. The prohibition contained in this subsection shall not apply to boat, kayak, and canoe, operated by or under the direct control or supervision of the Department of Public Works or Police Department.

**E.** No person shall place, install, rebuild or otherwise erect any permanent dock, permanent offshore floating platform, boathouse or similar structure on or in the waters or shoreline of Wee Wah Lake unless such structure was in existence in the same location prior to February 20, 1987. Notwithstanding the preceding sentence, the concrete permanent structure at the Wee Wah Lake shall be permitted to remain. An inventory of such structures shall be on file with the Village Building Inspector for record. In creating such inventory, the Village Building Inspector will first record all permanent structures in existence on June 30, 2008. For a structure not in existence on June 30, 2008, to be included in such inventory, prior to June 30, 2009, a property owner must provide evidence to the Village Building Inspector demonstrating that such a structure was in existence prior to February 20, 1987. If a structure has not been so identified to the Village Building Inspector by June 30, 2009, or was not legally in existence on June 30, 2008, it may not subsequently be rebuilt.

**H.** No person shall skate on the frozen surface of Wee Wah Lake, except in areas designated by the Board of Trustees and at such times as the Village Police Department has posted appropriate notice that such activity is permitted.

**I.** No person owning or harboring a domestic animal shall permit or allow such animal to enter the waters of Wee Wah Lake.

**J.** The Village hereby reserves to itself the authority to promulgate rules and regulations to carry forth the intent of Subsections [**A**](https://ecode360.com/11135745#11135745) and [**C**](https://ecode360.com/11135747#11135747) of this § [**65-4**,](https://ecode360.com/11135744#11135744) including the authority to limit the age of those who may engage in such activities on an unsupervised basis and the times of the year and times of the day when such activities may be carried out.

**K.** The Village further hereby reserves to itself the right and authority to license the operation of the Wee Wah Lake, the immediate and surrounding property annexed thereto, or the uses thereof, to an entity designated by the Village Board of Trustees.

**L.** The Village Board of Trustees may, by resolution, allow boat, kayak, canoe, aquatic recreational devices, or aquatic recreational activities to take place on the Wee Wah Lake so long as the base of launch or operation is the Wee Wah Park.

**M.** The Village Board of Trustees may, from time to time and by resolution, allow for the rental of Village-owned boat, kayak, canoe, and aquatic recreational devices at a reasonable fee to assist in the costs of operations. Such fees shall be maintained in accordance with the General Municipal Law.

Chapter 65, Section 6 “Rules and regulations for all lakes and ponds” shall be amended as follows:

The following rules and regulations shall apply to the use of the three bodies of water in the Village referred to as the lakes in this chapter:

**A.** No motor vehicles, as that term is defined in the Vehicle and Traffic Law of the State of New York, shall be parked or left standing on any of the streets of the Village surrounding any of said lakes, except with the written permission of the Board of Trustees or the Chief of Police. Notwithstanding the definition of the term "motor vehicle" contained in the Vehicle and Traffic Law of the State of New York, the term "motor vehicle," as used in this chapter, shall also include a snowmobile, a boat trailer and other recreational vehicle not specifically defined under the Vehicle and Traffic Law of the State of New York, but shall not include fire and police vehicles and vehicles of the Department of Public Works.

**B.** Access to any of said lakes for the purposes permitted in this chapter shall be from such locations as have been designated in this chapter. The Board of Trustees may, from time to time, designate additional locations from which persons may have access to any of said lakes for the purposes permitted in this chapter. Notwithstanding the foregoing, the owners and lessees of property adjoining the shoreline of said lakes and their guests, members and invitees shall have access to any of said lakes from such property for purposes permitted in this chapter.

**C.** Any person operating or riding as a passenger in any boat, kayak, or canoe, on the waters of any of said lakes must, at all times, conform to the safety regulations promulgated by the United States Coast Guard.

**D.** This chapter shall not relieve any person from complying with any rule, regulation or law of the State of New York requiring a person to obtain a license before fishing on any of said lakes.

**E.** No person shall deposit garbage, refuse, putrescible matter or any other matter that pollutes water in any of said lakes.

**F.** No boat, kayak, or canoe, or aquatic recreational devices that have been treated or otherwise surfaced with antifouling or toxic bottom paints shall be placed in the waters of any of said lakes. The term "antifouling or toxic bottom paints" shall mean paints containing cuprous oxide, tributyltin fluoride or similar compounds.

**G.** No person shall place a boat, kayak, or canoe, aquatic recreational device, trailer or dock in any of the lakes unless such has been steam-cleaned or cleaned by other measures approved by the Village in accordance with procedures approved by the Village prior to the time it is initially placed in one of the lakes and at such times thereafter as may be required by rules adopted by the Board of Trustees. Cleaning shall take place at a site that does not drain into one of the lakes. A certificate of compliance with this procedure for each boat or aquatic recreational device must be recorded by the Department of Public Works and filed with the Village Clerk.

**H.** No person shall place any boat kayak, or canoe, that is greater than 25 feet in length overall in or on the waters of any of said lakes unless the boat is an antique electric boat built prior to 1936 and under 30 feet in length. This subsection shall not apply, however, to any boat that is greater than 25 feet in length overall which was in service on any of said lakes prior to February 20, 1987. No person shall replace any such boat with another boat greater than 25 feet in length.

**I.** No person hereinafter authorized shall place a boat kayak, or canoe in or on the waters of the lakes, other than a boat powered by electricity, sails or oars. Any such boat shall be subject to the permit provisions contained in § **65-3** hereof.

**J.** No person shall place any pontoon boat on Wee Wah Lake or Pond No. 3 with the exception of those boats, kayaks, canoes, or aquatic recreational devices rented out by the Village. No home-owner or other person shall place more than one pontoon boat on Tuxedo Lake. No homeowner or other person shall place more than a total of three boats kayak, or canoe of any kind on the lakes, or at any dock, offshore float, floating platform or other similar structure owned by such a person, or permit any other person to moor or maintain a boat at such a structure. The provisions of this § **65-6J** shall not apply to the Tuxedo Club or to the Village Boat Club.

**K.** No club, organization or other person shall stock any of the lakes with fish without prior written consent from the Board of Trustees.

**L.** No ice fishing is permitted on any of the lakes without prior written consent of the Village and prior written consent of the New York State Department of Environmental Conservation.

**M.** The Board of Trustees shall annually appoint one or two individuals to act as Lake Wardens for one-year terms. Such persons shall have such qualifications and duties as are prescribed by the Board of Trustees.

**N.** The Board of Trustees may, from time to time, rent boat or non-boat devices, otherwise permitted by Village Code, to rent to taxpayers and Wee Wah Beach members during the summer season.

**O.** The Board of Trustees may, from time to time, modify the allowable boat devices, non-boat devices, and the sizes thereof by way of Resolution.

Chapter 65, Section 10 “Penalties for offenses” shall be amended as follows:

**A.** Any person who violates any of the provisions of this chapter shall be deemed to have committed a violation of the Village Code pursuant to section 1-12 “Penalties for offenses against Code provisions” unless otherwise specified.

**B**. Any person who violates any of the provisions of this chapter shall further be deemed to have committed a violation pursuant to the Penal Law of the State of New York punishable as provided in § **1-12** of Chapter **1**, General Provisions.

**C .** In addition to the above penalty, the Board of Trustees may revoke the permit or any privilege issued or granted to any person pursuant to this chapter who violates any of the provisions of this chapter or any of the terms or conditions of any such permit.

**Section 4.  Severability.**

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5.  Effective date.**

This local law shall be effective immediately upon the filing with the Secretary of State.