

# **Notice of Public Hearing to Consider a Local Law to Amend Town Code Chapter 128, Entitled “Waterways”, to update the “Anchor or Anchoring” definition.**

Resolved, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday August 29, 2023, at\_\_ p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 128, entitled “Waterways”, to update the “Anchor or Anchoring” definition, of which provides as follows:

LOCAL LAW NO. \_\_\_\_\_ of 2023

A LOCAL LAW amending Chapter 116, entitled Chapter 128, entitled “Waterways”, to update the “Anchor or Anchoring” definition

BE IT ENACTED by the Town Board of the Town of Shelter Island as follows:

## Section 1. Legislative Intent.

The Town Board has determined that the “Anchor and Anchoring” definition was outdated and did not account for new technology that allows the anchorage of boats without the necessity of an anchor. The expanded anchoring definition will ensure that anchoring prohibitions may be enforced against those who employ nontraditional methods of anchoring.

## Section 2. Amendment.

Section 128-4 of the Shelter Island Code Chapter 128(Waterways), is hereby amended by deleting the stricken words and adding the underlined words as follows:

### §128-4. Definitions.

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

#### Anchor or Anchoring

The attachment of, or to attach, a boat or vessel to the ground or bottom by means of tackle so designed that, when such attachment is terminated, the tackle in its entirety is removed from the ground or bottom and taken under the control of the boat or vessel or by maintaining a constant position by use of any dynamic positioning system for more than 15 minutes.

## Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §130(17).

Section 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part, provisions so adjudged to be invalid or unconstitutional.

Section 5. Effective Date.

This local law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

**SUMMARY OF PROPOSED LAW**

The purpose of this local law is to modernize the “Anchor or Anchoring” definition to incorporate new technologies in order to enforce existing anchoring prohibitions.