

LOCAL LAW NO. 13 of 2024

A LOCAL LAW *enacting* Chapter 316A entitled "*Abandoned Vessels*" of the Code of the Town of Southampton.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

The Southampton Town Board recognizes that there is an ongoing issue in which vessels that are often in poor condition are abandoned by their owner; causing damage to the property of others, creating navigational hazards, and leaving the Town with the burden of impounding property, and either auctioning off or destroying said vessels at cost. The owners of said vessels often attempt to avoid responsibility. Southampton Town Marine Patrol typically must work with various divisions of the Town to resolve 1-5 instances of abandoned vessels each calendar year.

This legislation seeks to deter individuals from abandoning vessels, and hold those who have abandoned vessels without regard for the safety of others responsible.

The Town Board finds that abandoned vessels are environmental hazards as they often contain large amounts of fuel, and are constructed of materials that are not naturally found within marine environments and are pollutants when not properly maintained. By enacting chapter 316A the Town Board seeks to hold individuals who have abandoned vessels responsible and create clear standards for Marine Patrol to follow when dealing with an abandoned vessel.

SECTION 2. Amendment.

Chapter 316A of the Southampton Town Code is hereby amended by deleting the stricken words and adding the underlined words as follows:

Chapter 316A Abandoned Vessels

316A-1 Definitions.

ABANDONED VESSEL

Includes any unsecured vessel, float, houseboat, raft, catamaran, mooring, or buoy, and any secured vessel, float, houseboat, raft, catamaran, mooring, or buoy which remains unmoved in the same location in Town waters including at any public beach, dock, wharf, marina, bulkhead, berth or slip, when no specific permission has been granted by the Town of Southampton and/or the Trustees of the Freeholders and Commonality of the Town of Southampton (Trustees).

ABANDONED PERSONAL WATERCRAFTS AND STRUCTURES

Includes any unsecured jet ski, kayak, stand up paddle board, dinghy, row boat, canoe, or other personal watercraft and any secured jet ski, kayak, stand up paddle board, dinghy, row boat, canoe, or other personal watercraft which remains unmoved in the same location in Town waters including at any public beach, dock, wharf, marina, bulkhead, berth or slip, when no specific permission has been granted by the Town of Southampton and/or the Trustees of the Freeholders and Commonality of the Town of Southampton (Trustees). For purposes of this section this shall also include unpermitted and unsecured duck blinds.

HAZARDOUS MATERIAL

Material, including any substance, waste, or combination thereof, which, because of its

quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment and wildlife when improperly treated, stored, transported, disposed of, or otherwise managed.

MARINE DEBRIS

Any solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment.

§ 316A-2 Town to remove abandoned vessels and personal property.

- (1) Any abandoned vessel or personal watercraft within the unincorporated area of the Town of Southampton is hereby declared to be a public nuisance and shall be taken into custody by the Town Board or any department or employee of the Town of Southampton designated by it, including but not limited to Marine Patrol, the Superintendent of Highways, the Department of Parks, and/or the Department of Emergency Management.
- (2) Said vessel shall be impounded and removed to such public storage place, Town marina, Town Facility, or other Town contracted facility. Immediately following the taking into custody and removal of an abandoned vessel or personal property, Marine Patrol shall notify the Southampton Town Police Department of such action and shall report to the Commissioner of Motor Vehicles of the State of New York when required, on forms prescribed and furnished by the Commissioner.
- (3) Any person, association, partnership or corporation being the owner or custodian of an abandoned vessel and/or abandoned personal watercraft as described herein shall be deemed to have abandoned such vessel and/or abandoned personal watercraft, unless the same has been reported as missing or stolen to the police within 48 hours of discovery.
- (4) It shall be unlawful for any person, association, partnership or corporation to abandon a vessel or personal watercraft within the Town of Southampton.
- (5) Any vessel or personal watercraft impounded by the Town of Southampton that is not redeemed within a period of thirty (30) days shall be considered an abandoned vessel or personal watercraft.
- (6) Cost Recovery. Any person, association, partnership or corporation who has abandoned a vessel or personal watercraft within the Town of Southampton shall be responsible to reimburse the Town of Southampton for all costs associated with removal, transport, storage, auction, and destruction in cases of unfit vessels or personal watercrafts.

§ 316A-4 Vessel or Personal Watercraft creating a hazardous condition

- (1) Any vessel or personal watercraft within the unincorporated area of the Town of Southampton that is releasing hazardous material and/or marine debris shall be declared to be a public nuisance and shall be immediately taken into custody by the Town Board or any department or employee of the Town of Southampton designated by it, including but not limited to Marine Patrol, the Superintendent of Highways, the Department of Parks, and/or the Department of Emergency Management.
- (2) It shall be unlawful for any person, association, partnership or corporation to allow their vessel or personal watercraft to create a hazardous condition by releasing hazardous material within the waters and/or beaches of the Town of Southampton.
- (3) Any person, association, partnership or corporation being the owner or custodian of a vessel and/or personal watercraft as described herein shall be deemed the owner of such vessel and/or personal watercraft, unless the same has been reported as missing or stolen to the police within 48 hours of discovery.

- (4) Hazmat Cost Recovery. Any person, association, partnership or corporation being the owner or custodian of a vessel and/or personal watercraft that has created a hazardous condition by releasing hazardous material or marine debris as described herein shall be required to make payment to the Town of Southampton for all expenses incident to the removal, and containment of hazardous material and/or marine debris.

§ 316A-5 Redemption by owner.

- (1) The owner of any abandoned vessel or personal watercraft taken into custody hereunder may redeem the same upon the payment to the Town of Southampton of all expenses incident to the removal, custody and storage of such vessel and upon presentation of proof of ownership satisfactory to Marine Patrol.
- (2) Notice. The Town Clerk shall post conspicuously, in at least three (3) public places, notice that such vessel has been taken into custody and requesting the owner to redeem the same.
- (3) Notice to Last Known Owner. In the event that the owner's address is known, Marine Patrol shall notify the owner by certified mail, return receipt requested, that said abandoned vessel has been taken into custody and requesting the owner to redeem the same.
- (4) Sale after 30 days. In the event that the owner shall fail or refuse to redeem such abandoned vessel or personal watercraft within thirty (30) days after such posting and (mailing when available) then the Town Board shall cause the same to be sold at public auction.
- (5) Unfit Vessels and Personal Watercrafts. After thirty (30) days if a vessel or personal watercraft is considered unfit for use by Marine Patrol the same shall be destroyed. The Town of Southampton may sell the vessel or personal watercraft to a vehicle dismantler or scrap processor.

§ 316A-6 Sale of unredeemed vessels.

- (1) The sale of any abandoned vessel or personal watercraft shall be a public sale, upon notice of such sale being posted conspicuously in at least three public places within the Town of Southampton not less than 10 days prior to the date of sale. The Town Board may cause such additional publicity of such sale as in its discretion the Town Board shall deem necessary.
- (2) Any proceeds from the sale of an abandoned vessel or personal watercraft, less any expenses incurred by the Town of Southampton shall be held by the Town of Southampton without interest for the benefit of the owner of such vehicle for a period of one year. If not claimed within such one-year period, such proceeds shall be paid into the general fund of the Town of Southampton.

§ 316A-7 Penalties for offenses.

- A. A violation of this chapter, which is hereby declared to be a violation level offense, shall be punishable by a fine of not less than \$750 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both. Each day's continued violation shall constitute a separate and additional offense.
- B. Anyone convicted pursuant to this section shall be required to pay a mandatory water quality surcharge of \$100. The water quality surcharge shall be paid to the clerk of the court or administrative tribunal that rendered the conviction.

SECTION 3. Authority.

The proposed law is enacted pursuant to NYS Town Law section 130.

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 or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

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