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Int. No. 843

By Council Members Dear and Stabile; also Council Member Eisland

A Local Law to amend the administrative code of the city of New York, in relation to limiting the operation of personal watercraft.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 10-158 of title 10 of the administrative code of the city of New York, as added by local law number 48 of 1990, is amended to read as follows:

b. Regulation. The maximum vessel speed limit within this vessel regulation zone shall be four miles per hour. The commissioners of the police department and the department of parks and recreation shall be required to enforce said speed limit. "Vessel", as defined for purposes of this section, shall not include a crew racing shell, but shall include personal watercraft as defined in subdivision a of section 10-158.1 of this title. "Crew racing shell" shall mean any shell, gig, barge or other boat designed primarily for practice or racing, propelled by oars or sweeps, in the sport of crew or scull racing conducted by a private or public educational institution, school, academy, college, university or association of any of the preceding or by any amateur sports club or association or by the United States or International Olympics Committee and shall not include canoes, rowboats or lifeboats.

Section 2. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-158.1 to read as follows:

§10-158.1 Regulation of personal watercraft. a. Definition. For purposes of this section, the term “personal watercraft” shall mean a vessel which uses an outboard motor or a propeller driven motor, or an inboard motor powering a water jet pump as its primary source of motive power, and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

b. Speed Limit. It shall be unlawful for any person to operate any personal watercraft at a speed in excess of five miles per hour within fifteen hundred feet of the shore line of the city of New York or from the shores abutting any body of water contained within the city of New York at low water mark, except within any vessel regulation zone designated pursuant to the provisions of section 10-158 of this chapter.

c. Exception for law enforcement and emergency craft. The provisions of subdivision b of this section shall not apply to personal watercraft operated by an authorized member or employee of any law enforcement emergency services agency or organization when used in the performance of official duties.

d. Posting of speed signs. Signs shall be posted by the police commissioner near the boundaries set forth in subdivision b of this section. Such signs shall be no smaller than three feet by three feet, shall be attached to another object such as a piling, buoy or other structure and shall be placed in a conspicuous location and manner so as to be easily readable by a person using such waters regardless of whether entrance to such area is via land or water. Such signs shall bear thereon in large letters, “Personal Watercraft Speed Limit 5 miles per hour within 1,500 feet of the shores of the City of New York.”

e. Penalties. Any person violating subdivision b of this section shall be liable for a civil penalty of not less than seventy-five dollars nor more than one hundred fifty dollars for the first violation, not less than one hundred fifty dollars nor more than three hundred dollars for the second violation within a two-year period and not less than three hundred dollars nor more than five hundred dollars for the third or any subsequent violation within a two-year period. A proceeding to recover any civil penalty authorized pursuant to this subdivision shall be commenced by the service of a notice of violation returnable before the environmental control board. Where the operator is less than fourteen years of age, a notice of violation of this section shall be personally served upon such operator’s parent or guardian in accordance with the civil practice law and rules. Where the operator is fourteen years of age or over, but less than eighteen years of age, a notice of violation of this section shall be personally served upon such operator and his or her parent or guardian in accordance with the civil practice law and rules.

§2. This local law shall take effect immediately after it is enacted into law.