

LOCAL LAW NO. [3] OF 2016

A LOCAL LAW ENTITLED
A BEACH ACCESS AND USE LAW

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE
OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to enact a beach
access chapter as a part of the Village Code, part of which was
in substance included in § 43 of the 1967 and 1989 Village
Ordinances.

SECTION 2. ENACTMENT.

A Chapter [__] of the Village Code entitled Beach Use
and Access is enacted, as follows:

§ [__]-1. **Legislative Intent.**

The purpose of this Chapter [__], entitled a Beach Access
and Use Law, is to preserve and protect the beach and bluff
running along the north side of the Village, and to control the
access to, and use of, said beach and bluff, and any
construction or work to be performed thereon.

§ [__]-2. **Definitions.**

As used in this Chapter [__], each of the following defined
terms shall have the meaning indicated:

(1) **beach** – that unconsolidated earth located in the
Village extending landward from the mean low water line of Long
Island Sound to that line running along the toe of the cliffs
running along the north side of the Village, where said cliffs
intersect such unconsolidated earth or the bottom of any wall
located at the toe of said cliffs.

(2) **bluff** – that land located in the Village, comprising
the cliffs running along the north side thereof, located between

that line running along the crest of said cliffs twenty-five (25) feet landward of same, and that line running along the toe of said cliffs where said cliffs intersect the beach or the top of any wall located at the toe of said cliffs.

(3) **boat** – anything used, or capable of being used, for recreation or transportation of individuals or materials over water, whether motorized or otherwise, including canoes, dinghies, jet skis, kayaks, motorboats, sailboats, waterboards of any type, WaveRunners, and other such watercraft.

(4) **governmental entity** – any governmental or regulatory body, other than the Village, having purview over a Village matter.

(5) **plot** – a parcel of land located in the Village not owned by the Village or any other governmental or regulatory entity.

(6) **vehicle** – anything used, or capable of being used, for recreation or transportation of individuals or materials over land, or for construction, whether motorized or otherwise, including all-terrain vehicles, automobiles, buses, campers, commercial vehicles, construction equipment capable of being driven, motorbikes, motorcycles, motor homes, scooters, sports utility vehicles, trailers, trucks, vans, and other such conveyances or equipment.

(7) **Village Beach** – that part of the beach owned or otherwise controlled by the Village.

(8) **Village Beach Ramp** – the stone roadway leading from the Village Beach to the paved parking lot located at the north end of Woodville Road.

(9) **Village resident** – any person legally habitating any premises located in the Village.

§ []-3. **Word Usage.**

For purposes of this Chapter []:

(1) Unless otherwise indicated to the contrary, the concept of including something on a list of things shall be deemed to embody the concept of including those things by way of illustration and not limitation.

(2) The word "shall" shall be mandatory.

(3) Any adjective modifying a defined term, or part of a defined term, including the words, "a", "any", "the", "this", "said" and "such", shall not affect the meaning of the defined term it modifies, and any defined term used as an adjective or verb, or reordered but carrying the intent of such defined term,

or capitalized or pluralized, or put in the possessive form, shall carry the same meaning as such definition is expressed in § [__]-2 of this Chapter [__], with the understanding that any defined term having initial capitalization shall only carry the intended definition if so capitalized, unless otherwise indicated in context.

(4) Any reference to two (2) or more things, immediately following a reference to two (2) or more correspondingly related things, shall be deemed to be followed by the word "respectively".

(5) Wording in the disjunctive form shall be deemed to be preceded or followed by the words "as applicable" or "as the case may be".

(6) The present tense shall include the future tense.

(7) The singular shall include the plural and vice versa.

(8) Undefined terms shall be interpreted so as to give them the meaning they have in common or lawful usage, so as to give this Chapter [__] its most reasonable interpretation.

(9) Captions and headings shall be deemed to be inserted for convenience and reference only, and shall in no way be deemed to define, describe or limit the intent, meaning or scope of this Chapter [__].

§ [__]-4. Regulation of Beach Access.

A. Permitted Beach Access. No person shall be permitted to operate any vehicle on the beach or bluff, except as expressly permitted and conditioned under the following provisions of this § [__]-4.

B. Village Beach Access. Any Village resident, or any person on behalf of such resident, shall be permitted to operate vehicles on the Village Beach Ramp and Village Beach for the purpose of:

(1) Transporting boats, but only if any such boat is legally registered as required, with the understanding that:

(a) Any vehicle so transporting any such boat shall only be permitted to remain on the Village Beach Ramp or Village Beach to the extent needed to effect such transportation, with the understanding that any such boat shall be permitted to be stored on the Village Beach, but only if and as permitted, in writing, by the Village Board.

(b) Any such transportation shall only be permitted between seven (7) AM and the later of five (5) PM and sunset.

(2) Facilitating a social event, but only if and as permitted, in writing, by the Village Board.

(3) Gaining access to the beach as permitted under § [__]-4C of this Chapter [__].

C. Access to Beach on Plots. Any Village resident occupying premises located on a plot on which part of the beach is located shall be permitted to operate vehicles on such part of the beach for the purpose of: cleaning same; performing other work or construction on same; having social events on same; delivering materials for any fireworks display to be conducted on same, but only if such delivery is permitted under Chapter [__] of the Village Code; or performing any work or construction on any part of the bluff being part of such plot; in any such case, with the understanding that:

(1) As related to any required access over the Village Beach Ramp or Village Beach, such resident shall have satisfied all indemnification and insurance requirements related thereto as established by the Village Board from time-to-time.

(2) Such resident shall have secured all approvals and permits required under the Village Code or by any other governmental entity to perform any such cleaning or such other work or construction.

(3) Vehicular access to such part of the beach for:

(a) Purposes permitted in this § [__]-4C, shall only be gained over the Village Beach Ramp, Village Beach or land located below the mean high-tide line, whether such land is located within the Village or otherwise, with the understanding that any such access over parts of the beach owned by parties other than the Village shall only be permitted if approved, in writing, by such parties, or is otherwise permitted by law.

(b) Cleaning, or such other work or construction, shall only be permitted between seven (7) AM and the earlier of seven (7) PM and sunset.

(c) Social events, shall only be permitted between noon and eleven (11) PM and only during the months of May through October.

D. Registration Required. Any vehicle permitted to be operated on the beach shall be legally registered as required.

§ [__]-5. **Certain Prohibitions.**

A. Fishing. No person shall be permitted to fish from the Village Beach during the period May 1 through September 30.

B. Dogs. As set forth in Chapter [__] of the Village Code, dogs shall not be permitted on the Village Beach, or in the waters of Long Island Sound, during the period May 1 through September 30.

C. Glass Containers. Use of glass containers on the Village Beach shall be prohibited.

§ [__]-6. Presumption of Ownership of Vehicles.

The registered owner, renter or person otherwise having legal possession of a vehicle shall be presumed to be the operator and the owner, renter or person otherwise having legal possession of such vehicle at the time of any violation of this Chapter [__].

§ [__]-7. Penalties.

A. Schedule of Fines. Any person in violation of this Chapter [__] shall be subject to a minimum fine of fifty (50) dollars but not to exceed three hundred and fifty (350) dollars for the first offense, a minimum fine of one hundred fifty (150) dollars but not to exceed seven hundred and fifty (750) dollars for a second offense, and a minimum fine of three hundred (300) dollars but not to exceed one thousand (1,000) dollars for a third offense.

B. Schedule of Additional Fines. All fines on all penalties authorized in this Chapter [__] shall increase, as follows:

(1) At thirty (30) days from issuance, minimum fine shall be doubled.

(2) At sixty (60) days from issuance, minimum fine shall be tripled from original amount.

(3) At ninety (90) days from issuance, twenty (20) dollars shall be added to the maximum fine.

§ [__]-8. Severability.

If any provision of this Chapter [__] is ruled unconstitutional or invalid, said ruling shall not affect the validity of other provisions of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

SECTION 4. REPLACEMENT OF EXISTING LOCAL LAWS.

This local law upon its effective date shall in all respects repeal and supersede § 43 of the 1967 and 1989 Village

Dated: March 8, 2016

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk