

DRAFT
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Chapter 92: GREENWOOD LAKE MANAGEMENT AND PRESERVATION

§ 92-1. Legislative Intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Warwick, in the face of population growth, urbanization and technologic change with their accompanying demands on natural resources, are found to be increasing and are of vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of Warwick. Protection of the natural environment involves efforts to maintain proper water quality standards, and to avoid degradation and depletion of the Town's natural resources. Objectives include the protection and preservation of lakes and streams, of wetlands, of ground water and surface water systems, of vegetation and wildlife habits.

Greenwood Lake is a critical environmental area, listed in the Town's Comprehensive Plan, and as such the Town, in conjunction with the Greenwood Lake Commission, has an obligation to preserve this precious resource. The Greenwood Lake Commission is a bi-state commission that was formed in 2001 for the express purpose of improving the water quality of this beautiful lake. Their mission is to serve as a bi-state cooperative effort to help ensure that the natural, scenic, economic, and recreational resources of Greenwood Lake and its watershed are protected, so that the pristine beauty of the area will be preserved and maintained for the enjoyment and recreation of present and future generations. Greenwood Lake supplies over three million residents and thousands of businesses with their water supplies. The Town of Warwick shares this goal.

ARTICLE I
WATERFOWL

§ 92-2. Purpose

It has been well established that the feeding of migratory, non-migratory and resident waterfowl is detrimental to the waterfowl and may result in damage to flora, fauna and property, harm water quality, increase potential to spread disease and cause a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public. The purpose of this article is to prohibit the feeding of waterfowl, on any public or lands owned by community property associations in the Town, including Town and State waterways, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 92-3. Definitions and word usage.

- A. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.
- B. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning:

FEED – To give, place, expose, deposit, distribute or scatter any edible material in a location accessible to waterfowl any type of food, including but not limited to corn, wheat or other grains, bread, popcorn, salt, scraps or any similar nutritive or consumable substance to be eaten by waterfowl.

PERSON – Any individual 18 years of age or older, corporation, company, partnership, firm, association, or entity subject to municipal jurisdiction.

WATERFOWL – Any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; whether migratory or not, including but not limited to ducks, geese, swans, heron, and egrets.

WATERWAYS – Lakes, ponds, streams, creeks, rivers and storm water basins.

§ 92-4. Feeding of Waterfowl Prohibited.

- A. No person shall purposely or knowingly feed, bait, cause, permit to be fed or in any manner provide access to food to any waterfowl in the Town, on lands or waterways located in the Town of Warwick either publicly or owned land, or lands owned by a community property association. This section shall not apply to the feeding of waterfowl raised and securely kept in an enclosed pen or other enclosure on privately owned property.
- B. No person shall purposely or knowingly create any condition which results in a congregation of waterfowl on property which:
 - 1. Results in an accumulation of waterfowl feces or droppings;
 - 2. Results in damage to flora, fauna or real property;
 - 3. Results in a threat or nuisance to the public health, safety or welfare; or
 - 4. Results in a threat to the health, safety or welfare of waterfowl.

§ 92-5. Enforcement

All police officers of the Town, contracted navigation officers, and the Health Officer or his/her duly authorized designee are hereby given full power and authority and are charged with the duty to enforce all provisions of this article.

§ 92-6. Violations and penalties.

A violation of this chapter is hereby declared to be an offense punishable by a fine of not less than \$250 nor more than \$5,000 or by imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

**ARTICLE II
ICE RETARDANT SYSTEMS**

§ 92-7. Purpose

It is intent of this article to regulate the installation and use of ice retardant systems on all waterfront properties within the Town of Warwick for the protection of persons and property and to provide for the public health, safety, and welfare of the Town of Warwick and its inhabitants.

§ 92-8. Definitions

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

A. AFFECTED AREA OF ICE

The area of the water body or ice surface disturbed by the operation of an ice retardant system. Said disturbed or affected area includes open water, weakened ice (excessively cracked), thin ice (less than four inches in depth) and area where adjacent ice is covered by a film of water.

B. ICE RETARDANT SYSTEM

A mechanical device(s) or a series of mechanical devices designed to retard or prevent the formation of ice in or around lakefront structures. Said devices utilize as their mode of operation one or more of the following mechanisms: pumped air, artificial water turbulence or the addition of heat to the water body.

C. OWNER or OPERATOR

The owner of record of a tract of land according to the tax rolls of the Town of Warwick or any person occupying said premises or utilizing the property.

D. PERSON

Any individual, association or individuals, corporation or partnership.

E. PIERHEAD LINE

A line running parallel to the bulkhead line and extending not more than 40 feet from said bulkhead line beyond which no dock, pier, marina, or other structure, permanent or temporary,

floating or affixed to shore or lake bottom, may be located.

F. PROTECTED STRUCTURE

Any lakefront or within-lake structure which the ice retardant system is designed to protect. Such protected structures include but are not limited to docks, piers, bulkheads, catwalks, seawalls, and boathouses.

§ 92-9. Authorization for use; compliance required.

A. Utilization of ice retardant systems is hereby authorized within the municipal limits of the Town of Warwick from November 1 of each year through April 15 of the following year.

B. No person shall operate an ice retardant system within the municipal limits unless said operation is in conformance with this chapter.

§ 92-10. Operation Requirements.

A. The affected area of ice, under normal operating conditions, shall not extend to within 10 feet of a side property line. Said requirements may be waived if the owner and/or operator of the ice retardant system obtains written permission from the adjacent property owner.

B. No system shall be designed or operated in such a way as to prevent ingress or egress to any portion of the water body or to foreclose the formation of ice across a channel unless the ice retardant system has been designed and approved in accordance with this chapter,

§ 92-11. Wavier of requirements.

Upon written application, with supporting documentation, the Town Board may, by resolution, waive the requirements of this chapter in situations of hardship or exceptional public necessity. "Exceptional public necessity" shall include but not limited to a necessity to maintain an open channel of water for access to island lakefront homes. In adopting the resolution, the Town Board may specify requirements as to markings and lighting. Such requirements can include but are not limited to requiring buoys to be placed in the frozen water body to clearly mark the approach, requiring nighttime illumination or fishing lights to indicate that open water is present, limiting the size of the affected ice area to the minimal levels of insurance requirements. Such written application shall be placed on the next available Town Board Meeting agenda for consideration.

§ 92-12. Enforcement; violations and penalties.

A. The Building Inspector is hereby designated as the enforcement officer under the terms of this chapter.

B. A violation of this chapter, including the operational requirements shall constitute an offense punishable by a fine not to exceed \$50 for the first offense, \$100 for the second and \$250 for the third and subsequent offenses. Each day that a violation of this chapter continues shall be deemed to be a separate offense.

§ 92-13. Liability and Remedies under this Chapter.

Compliance and/or noncompliance with the requirements of this chapter shall not preclude any civil action for damages and/or injunctive relief arising from conduct resulting in injuries arising from the operation of an ice retardant system.

**ARTICLE III
SWIM FLOAT REQUIREMENTS**

§ 92-14. Definitions.

Swim Floats – Swim Floats include but are not limited to Swim Platforms, Floating Trampolines, Floating Inflatables, Swim Area lines.

§ 92-15. Rules and Regulations.

A. A single swim float may be used if **ALL** the following conditions are adhered to:

1. Swim platforms **Must** be painted white; Have reflector tape on **ALL** sides and have 2 lights; one on each of the north and south outside corners.
2. Swim platforms **Must** be a maximum of 100 square feet of surface area.
3. Swim platforms **Must** be no further than 40 feet from a property shoreline.
4. Trampolines and other floating objects **Must** be no further than 40 feet from a property shoreline.
5. No floating object may be placed in a navigable channel or in any location in which it will interfere with free and safe navigation or free access to another person's property.
6. Swim Area Buoy Lines **Must** be no further than 100 feet from a property shore line, with some type of illuminated markers on each corner.
7. A floating trampoline is to be considered as a swim float and **Must** have illuminated markings around its entire circumference.

§ 92-16. Liability and Remedies under this Article.

Compliance and/or noncompliance with the requirements of this chapter shall not preclude any civil action for damages and/or injunctive relief arising from conduct resulting in injuries arising from the operation of a swim float as defined in 92-14.

