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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
APR 09 2003

~~County~~
~~City~~ of Shelter Island
~~Town~~
~~Village~~

Local Law No. 5 of the year 2003.

MISCELLANEOUS
& STATE RECORDS

A local law REPEALING THE PRESENT CHAPTER 82 OF THE SHELTER ISLAND TOWN CODE
(insert title)
AND THE INCLUSION OF A NEW CHAPTER 82 ENTITLED 'TOWN OF SHELTER
ISLAND IRRIGATION REGULATIONS LOCAL LAW

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Shelter Island
~~Town~~
~~Village~~

as follows:

Section 1. Amend Chapter 82 of the Shelter Island Town Code, titled "Irrigation Regulations", as follows:

§82-1. Title.

This Chapter shall be known as the "Town of Shelter Island Irrigation Regulations Local Law."

§82-2. Purpose and policy.

A. Intent; findings. The Town of Shelter Island has only one (1) freshwater aquifer from which to draw its groundwater, as it is cut off from fresh groundwater inflow from adjacent areas of the east end of Long Island. Shelter Island is low in topography, resulting in a shallow water table and a thin groundwater reservoir. The freshwater lens is thinnest and the groundwater most limited in coastal areas where the development pressures are the greatest, but even water drawn from the central part of the Town places strains on the shorefront systems. Irrigation is an inefficient use of a precious resource as at least half is lost to evaporation. The aesthetic goals of irrigation can be achieved by use of native or drought tolerant plants. Thus, the Town Board has determined that prohibiting the installation of new irrigation systems on Shelter Island will protect the aquifer and promote the health, safety and welfare of the entire community.

B. A consulting engineering firm which was retained by Suffolk County prepared a Comprehensive Water Resources Management Plan (hereinafter "water plan"), which was prepared and submitted on January 30, 1987.

C. The Suffolk County Department of Health Services has prepared a groundwater model for Shelter Island. Suffolk County says the report shows that the freshwater lenses on the Ram Island, Montclair and West Neck peninsulas are extremely limited and will be impacted by

(If additional space is needed, attach pages the same size as this sheet, and number each.)

increased groundwater withdrawals. Excessive pumping from inland areas can impact outlying areas by inducing saltwater intrusion or upconing.

D. The water plans recommend that water conservation measures be encouraged, including limitations on water consumption.

E. The first Comprehensive Plan for Shelter Island, which was adopted in May 1994, emphasizes the need to protect our groundwater, which is supplied by a sole source aquifer.

F. Therefore, the Town Board believes it in the best interest of the Town of Shelter Island, with respect to the sufficiency and quality of its water supply, to regulate or limit the consumptive use of water throughout the Town by restricting irrigation systems.

§82-3. Statutory authority.

This Chapter is adopted as a Local Law pursuant to the authority of the Municipal Home Rule Law.

§82-4. Definitions.

As used in this Chapter, the following terms, words and phrases and their derivations shall have the meanings indicated:

ABOVEGROUND IRRIGATION SYSTEM - An irrigation system with distribution piping and/or hose above the land surface including soaker hose or movable sprinkler heads.

AUTOMATIC IRRIGATION SYSTEM - An irrigation system, either a legally permitted underground system, a legally permitted cistern-based underground system or a legally permitted cistern-based aboveground system - with appurtenant, electrically operated control valves designed to operate unattended on a specific time frequency. This includes a drip/soaker system that utilizes above or below ground irrigation.

BACKFLOW PREVENTION DEVICE - An air gap assembly, double-check valve assembly or a reduced pressure zone-type device acceptable for containment control in accordance with the New York State Department of Health requirements.

BUILDING INSPECTOR/ZONING OFFICER - The Building Inspector/Zoning Officer of the Town of Shelter Island.

CISTERN - For purposes of this Chapter, an underground water storage tank with a minimum eight thousand (8,000) gallon capacity which is filled with water brought from a location other than Shelter Island, and which is used for outdoor irrigation purposes. The provisions of this Chapter do not apply to cisterns used for indoor, domestic purposes

CONSUMPTIVE USE OF WATER - The quantity of water released into the atmosphere by the process of evaporation, and the water incorporated into the vegetative process and transpired by plants to the atmosphere.

GOLF COURSE - A tract of land used and maintained for playing the game of golf, whether publicly or privately owned.

IRRIGATION ZONE- An area encompassing a definitive number of sprinkler heads or soaker hoses that is designed and sized to maintain water pressure and gallonage produced which is sufficient to properly operate the irrigation system. Each zone is regulated individually by an irrigation control clock.

MANUALLY OPERATED IRRIGATION SYSTEM - An irrigation system requiring manual operation of control valves.

MASTER CONTROL VALVE - A main valve which can open or shut water distribution to all irrigation zones.

OWNER - Any person, firm, partnership, corporation or organization of any kind holding legal title to real property in the Town of Shelter Island.

RAIN SENSING CUP - A rain collecting cup to provide automatic interruption of irrigation solenoid valve circuitry.

TOWN BOARD - The Town Board of Shelter Island.

UNDERGROUND IRRIGATION SYSTEM - An irrigation system with distribution piping laid below grade level, with irrigation heads or soaker hose at or below ground level and subject to flooding.

USER - Any person, firm, partnership, corporation or organization of any kind having the right to use or occupy real property in the Town of Shelter Island.

§82-5. Prohibition on underground irrigation systems; amortization of existing legally permitted systems; cisterns.

A. Prohibition on new underground system permits. Except as provided in subsection C, no owner or user may install a new underground irrigation system or alter an existing underground irrigation system.

B. Amortization. All legally permitted underground irrigation systems were required to obtain a permit by March 1, 1996, by filing an application with the Building Inspector/Zoning Officer, except cistern systems, which may continue to obtain permits pursuant to this section. All legally permitted irrigation systems may continue to be maintained and operated for a ten (10) year period following the enactment of this law to allow the owners to amortize their investment in the system. However, as of September 1, 2013, any legally permitted underground irrigation system use and maintenance is disallowed and prohibited. Cistern irrigation systems holding a cistern permit may continue indefinitely, whether aboveground or underground.

C. Cisterns. An aboveground or underground irrigation system may obtain a permit from the Building Inspector/Zoning Officer only if the system is connected to an underground cistern, with a capacity of at least eight thousand (8,000) gallons, which is supplied with water from off-island sources.

(1) Applications for permits shall be submitted to the Office of the Building Inspector/Zoning Officer and shall include a plan of the proposed automatic irrigation system and cistern, based upon Suffolk County Tax Map information or a land survey at a scale not less than forty (40) feet to the inch, with the following information:

(a) The name of the owner and/or user of the real property and the name of a resident contact person who has access to a valve that shuts off the system (shutoff valve).

(b) The Tax Map sheet or signed land survey showing the location of all buildings thereon.

(c) The proposed layout of the system, including the source(s) of water supply, number of zones, number of irrigation heads, the type and number of feet of drip or soaker hose, make and model number of clock controller, the location of the master control valve and, when connected to a public water supply system, the location of the backflow prevention device.

(d) All existing restrictions on the use of the real property, including but not limited to easements, covenants and restrictions.

(e) Proof of filling the cistern with off-island water, which proof can be requested by the Building Department at any time. Failure to provide proof when requested shall be grounds for immediate revocation of the permit.

(f) An application fee in the amount established, from time to time, by resolution of the Town Board.

(2) No permit shall be issued for a cistern which is connected to Island water sources such as a well, garden hose, public water or house water supply.

(3) A cistern is a structure and must comply with the same setbacks of a swimming pool.

(4) Any cistern in existence prior to the date of enactment of this ordinance, which is designed to collect and use rainwater may continue to collect and use rainwater. All other cistern systems must be supplied with water from off-island sources.

§82-6. Underground irrigation system requirements.

A. All underground and/or automatic irrigation systems shall be equipped with a programmable time clock controller for control of the irrigation system valves, with a rain sensing cup for overriding the operation of the irrigation system when additional watering is not required, in accordance with this Chapter, and with a master control valve.

B. Rain sensing cups shall be a type which collect rainfall and interrupt the electrical current flow to irrigation control valves after one-eighth (1/8) inch of rain has fallen. Irrigation may resume again when the accumulated rainwater evaporates from the rain collecting cup.

C. All underground and/or automatic irrigation systems shall be equipped with an operational rain collecting cup as defined above, a shutoff valve and, if connected to a public water supply system, an approved backflow prevention device.

D. All multi-zone systems shall have a shutoff valve that can be operated automatically or manually.

E. All underground and/or automatic irrigation systems shall be provided with a programmable time clock controller which shall automatically operate the irrigation system.

F. Only time clock controllers which have the following capabilities shall be used:

(1) An adjustable clock monitor for starting and stopping the water cycle at any hour of the day or night.

(2) A calendar program which allows automatic watering cycles on any day, or on alternate days, or on every third day, on a repeating basis.

(3) A sequence timer with variable time adjustments with minimum (2 and 1/2) two-and-one-half-minute increments. Timing shall be independently variable for each irrigation zone.

(4) An override circuitry which can be set to prevent the automatic water cycle from starting when watering is not required due to more than one-eighth (1/8) inch of water in the rain sensing cup.

(5) Operational settings and programming of the time clock controller, readily accessible on its face.

(6) The rain sensing cup positioned in an elevated, unobstructed and open area.

(7) A master control valve for multi-zone systems.

§82-7. Irrigation restrictions prior to September 1, 2013.

A. Operation of aboveground and underground irrigation systems, other than legally-permitted cistern systems, shall be restricted during the period of May 1 through October 31 of each year, as follows:

(1) No irrigation system shall operate more frequently than every third day and only during the hours between 5:00 p. m. and 9:00 a. m.

(2) Irrigation zones may be watered for no more than twenty (20) minutes per zone every third day, within the time specified above.

(3) Establishment of newly seeded lawns or portions of lawns, for a period of ninety (90) days after planting, and only during the hours between 5:00 p. m. and 9:00 a. m.

(4) Establishment of new plantings for a period of 150 days only during the hours between 5:00 p. m. and 9:00 a. m.

B. The capacity of a pump used solely for irrigation that is drawn from the sole source aquifer shall not exceed three-fourths (3/4) horsepower, nor shall it pump water in excess of twelve (12) gallons per minute. If more than one (1) source of water is used solely for irrigation that is drawn from the sole source aquifer, the aggregate shall not exceed twelve (12) gallons per minute.

§82-8. Irrigation restrictions after September 1, 2013.

A. Aboveground and underground irrigation systems, other than legally-permitted cistern systems, shall not be installed, maintained or operated, except under the following conditions:

(1) For the establishment of newly seeded lawns, or portions of lawns, for a period of ninety (90) days after planting, and only during the hours between 5:00 p. m. and 9:00 a. m..

(2) For the establishment of new plantings for a period of 150 days only during the hours between 5:00 p. m. and 9:00 a. m.

(3) For watering vegetable or flower gardens - for a period of no more than twenty (20) minutes between the hours of 5:00 p. m. and 9:00 a. m., every third day.

§82-9. Exemptions.

A. Golf course tees and greens, irrigated fairways existing as of the date of this Chapter and land used in agricultural production (including nurseries), shall be exempt from the requirements of this Chapter, subject to verification of use by the Building Inspector/Zoning Officer.

B. Handheld watering systems shall be exempt from the requirements of this Chapter.

C. This law is applicable to all property in the Town of Shelter Island, excluding property within the Village of Dering Harbor.

§82-10. Variances.

The Town Board shall have the authority to vary any provision of this Chapter as it may pertain to land used in agricultural production for the sale of agricultural products from which the owner derives a significant portion of his income, provided that such variance does not adversely affect the health, safety and welfare of the community and is consistent with other ordinances or State Law. An application for such variance shall be made to the Town Board on such forms as may be required and shall be subject to a public hearing and the imposition of appropriate conditions.

§82-11. Enforcement; penalties for offenses.

A. It shall be the duty of the Building Inspector/Zoning Officer to administer and the duty of the Building Inspector/Zoning Officer and the Shelter Island Police Department to enforce the provisions of this Chapter.

B. Notice; penalties.

(1) Whenever the Building Inspector/Zoning Officer or the Police Department has reasonable grounds to believe that any irrigation system regulated under this Chapter is being operated on any real property in violation thereof, he or the Police Department shall either notify the owner/user of such real property in writing, by delivering such notice personally or by posting such notice in a conspicuous place on any structure on the premises and sending a copy of the same by registered mail to the address appearing on the real property tax roll or the resident contact person; or shall serve a summons personally upon said owner/user.

(2) An offense against any provision of the Chapter shall be deemed a violation under the Penal Law of the State of New York, punishable by a fine not to exceed two hundred fifty (\$250.00) dollars and/or five (5) days in jail and revocation of any permit issued hereunder. Each day such violation continues shall be deemed a separate violation.

§82-12. Emergency rules authorized.

Whenever the Town Board shall determine that emergency conditions exist, potentially creating a shortage of the normal water supply, either throughout the Town or in any particular area, the Town Board may prescribe rules for the future regulation and restriction of the use of automatic irrigation systems and other consumptive water uses, and such rules shall have the force and effect of a local law duly adopted.

§82-13 Severability.

In the event that any portion of this Chapter is found by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.
Section 2. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2003 of the ~~(County)(City)(Town)(Village)~~ of Shelter Island was duly passed by the Town Board on April 4 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Brothy DeGisi
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: April 4, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Suffolk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Laury D
Signature

Town Attorney
Title

~~County~~
~~City~~ of Shelter Island
Town
~~Village~~

Date: April 4, 2003