

Local Law Filing

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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.

County City Town Village
(Select one.)

of Shelter Island

FILED
STATE RECORDS

FEB 24 2015

Local Law No. 2 of the year 20 15

DEPARTMENT OF STATE

A local law ENTITLED TOWN OF SHELTER ISLAND IRRIGATION REGULATIONS
(Insert Title)

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

County City Town Village
(Select one.)

of Shelter Island

as follows:

TOWN OF SHELTER ISLAND IRRIGATION REGULATIONS Chapter 82. IRRIGATION REGULATIONS

§ 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 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 may potentially place strains on the shorefront systems. Thus, the Town Board has determined that regulating the installation of new irrigation systems on Shelter Island will protect the aquifer and promote the health, safety and welfare of the entire community.

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

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. This has been updated by a study prepared by Leggette, Brashears & Graham Inc. dated June 2014 and significant study by a citizen irrigation committee studying the issues.

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 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 regulating irrigation systems.

G. The Town Board reserves the right to adjust or eliminate the irrigation regulations as water conditions change.

§ 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:

BACKFLOW PREVENTION DEVICE - A pressure vacuum breaker, 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 - A Building Inspector of the Town of Shelter Island or an enforcement official designated by the Town Board.

CAPTURED WATER - Shall be the water captured into a cistern from impermeable surface runoff as allowed by this Code.

CISTERN - For purposes of this Chapter, a single or series of underground or basement water storage tanks with collective minimum capacity of 8,000 gallons which is filled with water as specified in this Chapter, 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.

DRIP IRRIGATION SYSTEM - The use of drip line with drip emitters to water vegetation.

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

GRANDFATHERED TURF IRRIGATION SYSTEMS - Shall mean those turf irrigation systems which obtained a permit prior to 3/1/1996.

HAND WATERING - The watering of property by one hand-held hose or one single portable lawn sprinkler.

IRRIGATION SYSTEM - An irrigation system is a system for artificial application of water to the land, soil or turf.

IRRIGATION ZONE - An area encompassing a defined number of sprinkler heads or drip emitters 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.

LICENSED IRRIGATION CONTRACTOR - A person or business meeting the standards established in Section 82-5.

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

MOISTURE SENSOR - A device to turn irrigation water on or off according to the moisture levels in the soil.

NEAR SHORE & PENINSULAR OVERLAY ZONE - Shall mean the Near Shore and Peninsular Overlay Zone as defined in the Chapter 133 Zoning Code.

NEW TURF IRRIGATION SYSTEMS - Shall mean any turf irrigation system other than a grandfathered irrigation system.

NON NEAR SHORE OVERLAY - Shall mean the areas of Shelter Island that do not lie within the Near Shore & Peninsular Overlay Zone.

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

RAIN SENSOR - A device located in an area that allows rainfall to come in full contact with its parts and is designed to turn a system on or off when moisture is present.

TIME CLOCK - A device that controls the irrigation system and turns it on and off at a desirable time and operates the system for a set period of time.

TOWN BOARD - The Town Board of Shelter Island.

TRUCKED-IN WATER - Shall mean fresh water that is trucked in from an off-island source.

TURF - Turf shall mean those grasses which are regularly cut to a level of six inches or less.

TURF IRRIGATION SYSTEM - An irrigation system designed to automatically water turf grass.

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. Irrigation Permit.

A. Irrigation is only allowed if conducted in compliance with the provisions of this ordinance. All other forms of irrigation are prohibited.

B. All persons using a turf irrigation system, whether grandfathered, new or drip per §82-8(C), must obtain an initial Town irrigation permit for that system, which may be issued for a length of one year and is renewable annually.

C. Applications for initial irrigation system permits shall include a plan of the turf irrigation system and cisterns (if applicable), based upon Suffolk County Tax Map information or a land survey at a scale not less than 40 feet to the inch, with the following information:

1. 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).

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

3. 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, rain sensor and moisture sensor, and, when connected to a public water supply system, the location of the backflow prevention device.

4. A certification by a licensed irrigation contractor that the system meets the Town code and a calculation showing the irrigation system's estimated water consumption per operational cycle of all zones.

5. If applicable, proof of filling the cistern in the prior year with trucked-in water itemizing the dates and gallons delivered, which proof can be requested by the Building Department at any time.

6. A cistern must comply with the same setbacks as an underground fuel tank.

7. An application form with an application fee in an amount established from time to time by the Town Board.

D. Prior to issuance of a turf irrigation permit, all systems must meet the following minimum standards:

1. A programmable time clock for control of the irrigation system valves. Only time clocks which have the following capabilities shall be used:

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

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

c. An override circuitry which can be set to prevent the automatic water cycle from starting when watering is not required per the rain-sensor.

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

2. Moisture sensors and rain-sensors for overriding the operation of the irrigation system when it is raining or soil moisture is sufficient, in accordance with this chapter, and with a master control valve.

a. Rain-sensors shall be attached to the system and set to trigger after 1/4 inch of rainfall; and

b. The rain-sensor must be positioned in an elevated, unobstructed and open area.

3. A shutoff valve, which can be operated automatically or manually.

4. If connected to a public water supply system, the system shall have an approved backflow prevention device.

5. A master control valve for multi-zone systems.

6. A master battery backup to keep the system settings during power outages.

E. Annual renewal turf irrigation permits. Applications for renewal turf irrigation permits shall include the following:

1. A certification by an irrigation contractor licensed by the Town that the turf irrigation system is operating to maximal efficiency with the above-described components present and operational; and

2. If applicable, proof of filling the cistern in the prior year with trucked-in water itemizing the dates and gallons delivered, which proof can be requested by the Building Department at any time. Failure to provide proof when requested shall be grounds for denial of the permit.

3. Turf irrigation systems in the Near Shore & Peninsular Overlay Zone which draw on the aquifer shall include a copy of a chloride test of the irrigation system water pursuant to a sample taken in the previous 60 days. The Town reserves the right to deny a permit if the above test shows chlorides exceed 125 mg/l.

4. A permit fee in the amount established, from time to time, by resolution of the Town Board.

F. Any person signing the above permit certifications shall be a licensed irrigation contractor.

1. The following criteria must be met to obtain such a license:

a. Have a home improvement contractor license; and

b. Certify that all business personnel dealing with irrigation have read and understand the Town Code; and

c. Submit information as to the financial responsibility and character of the applicant.

2. The Building Inspector may suspend an irrigation contractor license for up to 30 days for an irrigation-operation violation, and may revoke the license for a year for an illegal installation or fraudulent certification violation.

G. The Building Inspector may suspend an irrigation permit for up to 90 days as a consequence of an irrigation violation.

§ 82-6. Grandfathered Turf Irrigation Systems

A. This section applies only to grandfathered turf irrigation systems.

B. Such systems are not required to be fed by cistern, but are required to obtain and hold a current Irrigation Permit.

C. A grandfathered turf irrigation system may be replaced partially or entirely within the existing irrigated area, so long as the replacement improves the efficiency of the system.

D. A grandfathered turf irrigation system may not expand the area of irrigation beyond that area which was covered by the pre-1997 permit.

E. The grandfathered turf irrigation system shall be converted to operation with cisterns pursuant to the rules of new turf systems under the following circumstances:

1. If the house on the property is reconstructed, as defined in Chapter 129; or

2. If the property owner allows the irrigation permit to lapse for more than two years.

§82-7. New Turf irrigation systems

A. An owner may obtain a new turf irrigation system permit from the Building Department only if the system is connected to an underground cistern, with a capacity of at least 8,000 gallons.

B. Water sources for new turf irrigation cisterns.

1. New turf irrigation cisterns may be filled using:

a. Trucked-in water;

b. Captured water from impermeable surfaces on the property, but only to the extent the impermeable surfaces used for capture do not exceed 10 percent of the square footage of the property.

2. Cisterns may not be filled by hose or well-water.

C. Any new turf irrigation system that is filled with captured water from impermeable surfaces must include an overflow valve feeding to a drywell sized to accept excess runoff when the cistern is full, pursuant to calculations submitted by the homeowners architect or engineer.

§82-8. Drip Irrigation requirements.

A. Drip irrigation systems shall only be used for non-turf irrigation, or turf irrigation for areas not exceeding 3,000 square feet.

B. All drip irrigation systems shall meet the following minimum requirements:

1. The drip system shall not emit more than one gallon per hour per emitter/lineal foot with a maximum 1500 emitters; and

2. The drip system must be a on a timer; and

3. The drip system shall be programmed for no more than one hour for any three day period, per zone; and

4. The drip system shall be covered with mulch to reduce evaporation.

C. In the Near Shore zone, any drip system with over 250 emitters shall meet the following additional standards:

1. Shall be equipped with a master valve, time clock and moisture sensor; and

2. Shall be fed only from a cistern as described for turf irrigation systems; and

3. Require an irrigation permit as described for turf irrigation systems.

§ 82-9. Irrigation system operation.

A. Operation of turf irrigation systems shall be restricted as follows:

1. No irrigation system zone 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 45 minutes per zone twice a week, within the time specified above.

3. Irrigation is allowed to establish new lawns or portions of lawns for a period of 30 days after planting, and may occur between 9:00 a. m. and 5:00 p. m. to allow the seed to germinate.

4. Irrigation is allowed to establish new plantings for a period of 150 days, only between 5:00 p.m. and 9:00 a.m.

B. Operation of Drip Irrigation Systems shall be as follows:

1. No more than one hour per three day period per zone.

C. To the extent possible, water delivery trucks should park off the roadway when filling cisterns.

§ 82-10. Exemptions.

A. All the exemptions below are subject to being suspended during a water emergency declared by the Town Board.

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

C. Golf course tees and greens, irrigated fairways existing as of 2003 shall be exempt from the requirements of this Chapter.

D. Land used in agricultural production, shall be exempt from the requirements of this Chapter.

E. Nurseries and garden centers are exempt from the requirements of this Chapter except that they may not irrigate their stock between 10. a. m. and 3 p. m.

F. Hand watering systems shall be exempt from the requirements of this Chapter.

G. Although use of soaker hose is highly discouraged, use of up to 50 feet of soaker hose is exempt from these regulations.

§ 82-11. Enforcement; penalties for offenses.

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

B. Notice; penalties.

1. Whenever the Building Inspector 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 and/or user.

2. An offense against any provision of this Chapter shall be deemed a violation under the Penal Law of the State of New York, punishable by a fine not to exceed \$1,000 and/or five days in jail and revocation of any permit issued hereunder. Each day such violation continues shall be deemed a separate violation.

3. The irrigation permit may be suspended or revoked as stated in 82-5.

§ 82-12. Emergency rules authorized.

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 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.

§ 82-14. 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. 2 of 2015 of the ~~(County)(City)(Town)(Village)~~ of Shelter Island was duly passed by the Town Board on February 13, 2015, in accordance with the applicable provisions of law.

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.

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.

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.

* 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.

Brady P. O'Garra

Clerk of the county legislative/body, City, Town or Village Clerk or officer designated by local legislative body

Date: February 17, 2015

(Seal)