

**PROPOSED LOCAL LAW 4 OF THE YEAR 2019 TO AMEND §74-2 OF THE
VILLAGE CODE OF THE INCORPORATED VILLAGE OF
MUTTONTOWN**

A local law to amend the Village Code § 74-2 of Chapter 74: Freshwater Wetlands.

Section 1. Legislative Intent

It is the intent of this Local Law to amend § 74-2 of Chapter 74: Freshwater Wetlands.

Section 2. Authority

This Local Law is adopted pursuant to the provisions of the Village Law and the Municipal Home Rule Law of the State of New York.

Section 3. Amendment to Section 74-2 of the Village Code of the Incorporated Village of Muttontown

§ 74-2. Definitions.

The following terms, phrases, words and their derivatives shall have the meanings given herein:

ADJACENT AREA – The area surrounding the freshwater wetland, measured a horizontal distance of 100 feet from the boundary thereof.

APPLICANT – Includes the owner of the affected property, his agent or contract vendee who files an application for a permit pursuant to this chapter.

BOUNDARY – The outer limit of the physical feature that constitutes a wetland resource in terms of vegetation, soils and hydrologic conditions specified herein in the definition of “freshwater wetland.”

FRESHWATER WETLAND – An area of at least 2,000 square feet that is naturally inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation typically adapted for life in saturated conditions (called “hydrophytes;”, see definition of “hydrophytic vegetation” herein), or contains hydric soils. Freshwater wetlands are commonly referred to as “swamps,” marshes,” “bogs” or “vernal pools.” Regulated freshwater wetlands for the purpose of this chapter include water bodies and watercourses.

HYDROPHYTIC VEGETATION – Plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content, as set forth in the Federal Manual of Identifying and Delineating Jurisdictional Wetlands, as amended or updated. Most common hydrophytes are listed and categorized in Wetlands Plants of the State of New York, published by

the United States Fish and Wildlife Services in cooperation with the National and Regional Wetlands Plant List Review Panels, as amended or updated.

PERMIT – A freshwater wetlands permit for the conduct of a regulated activity.

PERMIT – Any corporation, firm, partnership, association, trust or estate, one or more individuals and any unit of government or agency or subdivision thereof.

PLANNING BOARD – The Planning Board of the Incorporated Village of Muttontown designated by the village to be responsible for administering the provisions of this chapter and promulgating rules, regulations and procedures necessary to implement and administer properly the provisions herein.

POLLUTION – The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to humans, vegetation, wildlife or property.

PROJECT – Any action resulting in direct or indirect physical impact on a freshwater wetland, including but not limited to any regulated activity.

REGULATED ACTIVITY – Any form of draining, dredging, excavating or removal of soil, mud, sand, shells, gravel or other aggregate, either directly or indirectly; any form of dumping, filling or deposition of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly; ejecting any structures, constructing roads, the driving of piling or placing of any other obstruction, whether or not changing the ebb and flow of the water; and any form of pollution, including but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquid wastes into or so as to drain into a freshwater wetland and any other activity which substantially impairs any of the several functions served by the freshwater wetlands or the benefits derived therefrom.

WATER BODY – Any surface water element, including but not limited to ponds and intermittent streams, covering an area of at least 2,000 square feet. A water body may be periodically, seasonally or permanently covered by water.

WATERCOURSE – Any brook, creek, stream, river, rivulet, floodway or other such waterway flowing in a defined channel.

Section 4. Severability.

If a court determines that any clause, sentence, paragraph subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Applicability.

This article shall apply to all actions occurring on or after the effective date of this article.

Section 6. Effective Date.

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