

Local Law 2 of 2013

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 State Street, Albany, New York 12231

Village of Muttontown

Local Law 2 of 2013

A local law amending Chapter 74 (Freshwater Wetlands), section 74-2 (Definitions) of the Code of the Village of Muttontown to revise the definition of "freshwater wetland"

Be it enacted by the Board of Trustees of the Village of Muttontown as follows:

If any section, provision or part of this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the local law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

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

Chapter 74, FRESHWATER WETLANDS

§ 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 or artificially 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 Service 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.

PERSON -- 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, excavation 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; erecting any structures, constructing roads, the driving of pilings or placing of any other obstructions, 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.

Final adoption by the Board of Trustees of the Incorporated Village of Muttontown.

I hereby certify that the local law annexed hereto, designated as Local Law 2 of 2013 of the Village of Muttontown was duly passed by the Board of Trustees on June 3, 2013, in accordance with the applicable provisions of law.

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 thereof and of the whole of such original local law, and was finally adopted by the Board of Trustees of the Incorporated Village of Muttontown.



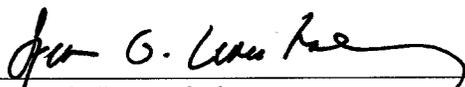
Lisa A. Lolis
Village Clerk/Treasurer
Village of Muttontown
Date: June 3, 2013

Seal

Certification by the Village Attorney

STATE OF NEW YORK
COUNTY OF NASSAU

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.



Steven G. Leventhal
Village Attorney
Village of Muttontown
Date: June 3, 2013