

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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 of SOUTHOLD
 Village

Local Law No. 15 of the year 2024.

A Local Law entitled, A Local Law in relation to an Amendment to Chapter 275 Wetlands and Shoreline

Be it enacted the Town Board of the:

- County
 City
 Town of SOUTHOLD
 Village

I. Purpose - The Purpose of the amendment is to amend Chapter 275 Wetlands and Shoreline.

II. Amendment - The Southold Town Code is hereby amended by removing the struck through words and adding the underlined words as follows:

§ 275-11 Construction and operation standards.

- A. General. The following standards are required for all operations within the jurisdiction of the Trustees:
- (4) Fences.
- (f) Fences shall not be permitted within 20 feet of any wetland boundary.
- C. In water. The following standards are required for all in-water operations adjacent to residential properties. Operations conducted on properties zoned M1 or M2 may be given greater flexibility in these requirements given the water-dependent nature of their use.
- (2) Docks
- (b) Dock locations and lengths.
- [2] Within creeks and other narrow waterways, no dock length shall exceed 1/4 the total width of the water body. Determination of the length of the dock must include the dimensions of the vessel.

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

§ 275-12.1 Stop-work orders.

- A. The Harbor Master, Zoning Inspector, Ordinance Inspector or Code Enforcement Officer are authorized to issue stop-work orders pursuant to this section to halt:
 - (1) Any work that is determined to be contrary to any applicable provision of this chapter, or:
 - (a) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Harbor Master, Zoning Inspector, Ordinance Inspector or Code Enforcement Officer, without regard to whether such work is or is not work for which a Trustee permit is required, and without regard to whether a Trustee permit has or has not been issued for such work; or
- B. Stop-work orders shall:
 - (2) Be dated and signed by the Harbor Master, Zoning Inspector, Ordinance Inspector or Code Enforcement Officer;
- C. The Harbor Master, Zoning Inspector, Ordinance Inspector or Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be posted on the subject property and to be served by personal service or certified mail on any one or more of the following: the owner of the-subject property, the permit holder, the builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work or activity which is the subject of the stop-work order.

§ 275-15 Coordination and enforcement.

The Harbor Master, Zoning Inspector, Ordinance Inspector and/or the Code Enforcement Officer are responsible for coordination and enforcement of the provisions of this chapter.

§ 275-16 Compliance requirements; penalties for offenses.

- A. It shall be unlawful for any carter, owner, occupant, builder, architect, contractor or their agents or any other person to fail to comply with any provisions of this chapter or to fail in any manner to comply with a written notice, directive or order of the Harbor Master, Zoning Inspector, Ordinance Inspector or Code Enforcement Officer or to conduct any operation in a manner not in compliance with a permit issued pursuant to this chapter.
- B. For each offense against any of the provisions of this chapter or any regulations made pursuant thereto, or failure to comply with a written notice or order of any Harbor Master, Zoning Inspector, Ordinance Inspector or Code Enforcement Officer within the time fixed for compliance therewith, the owner, occupant, builder, architect, contractor or their agents or any other person who commits or participates in the commission of any such offense or who shall fail to comply with a written order or notice of the Harbor Master, Zoning Inspector, Ordinance Inspector or Code Enforcement Officer shall be subject to the following fine schedule. Each day on which such violation occurs may constitute a separate, additional offense.
 - (1) Failure to obtain a permit. Any person conducting operations within the jurisdiction of the Trustees without first obtaining a permit according to the procedures outlined in this chapter shall be subject to a fine not to exceed \$25,000 or a term of imprisonment not to exceed six months, or both.
 - (2) Failure to comply with the terms of a permit.
 - (a) Any person failing to comply with the terms of a permit shall be subject to a fine not to exceed \$25,000 or a term of imprisonment not to exceed six months, or both.
 - (b) Any person failing to comply with posting the permit and/or the requirement for supporting plans to be available for immediate inspection pursuant to § 275-10 shall be subject to a fine not to exceed \$5,000.
 - (3) Failure to heed a stop-work order. Any person conducting operations in direct contradiction to the terms of a stop-work order shall be subject to a fine not to exceed \$25,000 or a term of imprisonment not to exceed six months, or both.

- (4) Restoration. In lieu of or in addition to the penalties provided for herein, any person in violation of any of the provisions of this chapter may be required to restore the affected wetland to its condition prior to the offense. The Trustees reserve the right to require specific replanting and restoration methods, including specific survivability and success criteria.
- (5) Failure to comply with a restoration plan. Any person failing to comply with the terms of a mandated restoration plan as detailed in Subsection B(4) of this section within the proscribed period of time for completion shall be guilty of an offense and subject to a fine not to exceed \$25,000, or a term of imprisonment not to exceed 6 months, or both.
- (6) For the offense of conducting or engaging in any coastal construction project or business without having first obtained a license, or while his license is suspended or revoked, a violator shall be subject to a fine not to exceed \$10,000.
- (7) Mitigation. When on-site wetlands restoration and creation may be unfeasible due to technical or other constraints, other mitigative measures, such as off-site wetland restoration or creation, may be required.
- (8) Other offenses. For an offense against any of the provisions of this chapter not specifically designated above, a violator shall be subject to a fine not to exceed \$25,000.

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law

(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. 15 of 20 24, of the ~~(County)(City)(Town)(Village)~~ of SOUTHOLD was duly passed by the TOWN BOARD on July 30, 20 24, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or re-passage 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)(re-passed 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(Seal)

Clerk of the County legislative body, City, Town or
Village Clerk or officer designated by local legislative body
Denis Noncarrow, Town Clerk
Date: August 1, 2024



RESOLUTION 2024-704

Item # 5.53

ADOPTED

DOC ID: 20512

THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2024-704 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD TOWN BOARD ON JULY 30, 2024:

WHEREAS there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 4th day of June, 2024, a Local Law entitled **“A Local Law in relation to an Amendment to Chapter 275 Wetlands and Shoreline.”** and

WHEREAS that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at Southold Town Hall, 53095 Main Road, Southold, New York, on the **30th day of July, 2024 at 7:00 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **“A Local Law in relation to an Amendment to Chapter 275 Wetlands and Shoreline.”** which reads as follows:

LOCAL LAW NO. 15 2024

A Local Law entitled, **“A Local Law in relation to an Amendment to Chapter 275 Wetlands and Shoreline**

BE IT ENACTED by the Town Board of the Town of Southold as follows:

- I. Purpose** - The Purpose of the amendment is to amend Chapter 275 Wetlands and Shoreline.
- II. Amendment** - The Southold Town Code is hereby amended by removing the struck through words and adding the underlined words as follows:

§ 275-11 Construction and operation standards.

A. General. The following standards are required for all operations within the jurisdiction

f the Trustees:

(4) Fences.

(f) Fences shall not be permitted within 20 feet of any wetland boundary.

C. In water. The following standards are required for all in-water operations adjacent to residential properties. Operations conducted on properties zoned M1 or M2 may be given greater flexibility in these requirements given the water-dependent nature of their use.

(2) Docks

- (b) Dock locations and lengths.
 - [2] Within creeks and other narrow waterways, no dock length shall exceed ~~1/3~~ **1/4** the total width of the water body. Determination of the length of the dock must include the dimensions of the vessel.

§ 275-12.1 Stop-work orders.

- A. The ~~Bay Constable,~~ **Harbor Master,** Zoning Inspector, **Ordinance Inspector** or Code Enforcement Officer **is are** authorized to issue stop-work orders pursuant to this section ~~The Bay Constable, Zoning Inspector, or Code Enforcement Officer shall issue a stop-work order to halt:~~
 - (1) Any work that is determined by the ~~Bay Constable, Zoning Inspector, or Code Enforcement Officer~~ to be contrary to any applicable provision of this chapter, or:
 - (a) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the ~~Bay Constable,~~ **Harbor Master** ~~Zoning Inspector, Ordinance Inspector~~ or Code Enforcement Officer, without regard to whether such work is or is not work for which a Trustee permit is required, and without regard to whether a Trustee permit has or has not been issued for such work; or
- B. Stop-work orders shall:
 - (2) Be dated and signed by the ~~Bay Constable,~~ **Harbor Master** ~~Zoning Inspector, Ordinance Inspector~~ or Code Enforcement Officer;
- C. The ~~Bay Constable,~~ **Harbor Master** ~~Zoning Inspector, Ordinance Inspector~~ or Code Enforcement Officer shall cause the stop-work order, or a copy thereof, **to be posted on the subject property and** to be served **by personal service or certified mail on any one or more of the following:** the owner of the affected ~~subject property, the permit holder, and if the owner is not the permit holder, on the permit holder, personally or by certified mail to the owner or permit holder and posting at the work site.~~ The ~~Bay Constable, Zoning Inspector, or Code Enforcement Officer~~ shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any or all of the following: **the** builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by **or activity which is the subject of** the stop-work order, ~~personally or by certified mail and posting; provided, however, that failure to serve any person listed above shall not affect the efficacy of the stop-work order.~~

§ 275-15 Coordination and enforcement.

The ~~Director of Code Enforcement,~~ **Harbor Master** ~~Zoning Inspector, Ordinance Inspector~~ and/or the ~~Bay Constable~~ **Code Enforcement Officer** are responsible for coordination and enforcement of the provisions of this chapter. ~~The Director of Code Enforcement, Zoning Inspector, and Bay Constables have the authority to issue violations of this chapter.~~

§ 275-16 Compliance requirements; penalties for offenses.

- A. It shall be unlawful for any carter, owner, occupant, builder, architect, contractor or their agents or any other person to fail to comply with any provisions of this chapter or to fail in any manner to comply with a written notice, directive or order of the **Harbor Master** ~~Director of Code Enforcement~~, Zoning Inspector, **Ordinance Inspector** or ~~Bay Constable~~ **Code Enforcement Officer** or to conduct any operation in a manner not in compliance with a permit issued pursuant to this chapter.
- B. For each offense against any of the provisions of this chapter or any regulations made pursuant thereto, or failure to comply with a written notice or order of any **Harbor Master** ~~Director of Code Enforcement~~, Zoning Inspector, **Ordinance Inspector** or ~~Bay Constable~~ **Code Enforcement Officer** within the time fixed for compliance therewith, the owner, occupant, builder, architect, contractor or their agents or any other person who commits **or participates**, ~~takes part or assists in~~ the commission of any such offense or who shall fail to comply with a written order or notice of the **Harbor Master** ~~Director of Code Enforcement~~, Zoning Inspector, **Ordinance Inspector** or ~~Bay Constable~~ **Code Enforcement Officer** shall be subject to the following fine schedule. Each day on which such violation occurs may constitute a separate, additional offense.
- (1) Failure to obtain a permit. Any person conducting operations within the jurisdiction of the Trustees without first obtaining a permit according to the procedures outlined in this chapter shall be subject to a fine **not to exceed \$25,000** ~~of not less than \$1,000 and not more than \$6,000~~ or a term of imprisonment **not to exceed** ~~of not less than 15 days nor more than six months~~, or both.
 - (2) Failure to comply with the terms of a permit.
 - (a) Any person failing to comply with the terms of a permit shall be subject to a fine **not to exceed \$25,000** ~~of not less than \$1,000 and not more than \$6,000~~. For each subsequent offense, the violator shall be guilty of a misdemeanor punishable by a fine not less than ~~\$2,000 nor more than \$10,000~~ or a term of imprisonment **not to exceed** ~~of not less than 15 days nor more than six months~~, or both.
 - (b) Any person failing to comply with posting the permit and/or the requirement for supporting plans to be available for immediate inspection pursuant to § 275-10 shall be subject to a fine **not to exceed \$5,000**. ~~of not more than \$1,000.~~
 - (3) Failure to heed a stop-work order. Any person conducting operations in direct contradiction to the terms of a stop-work order shall be subject to a fine **not to exceed \$25,000** ~~of not less than \$1,000 and not more than \$6,000~~. For each subsequent offense, the violator shall be guilty of a misdemeanor punishable by a fine not less than ~~\$2,000 nor more than \$10,000~~ or a term of imprisonment **not to exceed** ~~of not less than 15 days nor more than six months~~, or both.
 - (4) Restoration. In lieu of or in addition to **the penalties provided for herein**, ~~these punishments, any offender may be punished by being ordered~~ **any**

person in violation of any of the provisions of this chapter may be required to restore the affected wetland to its condition prior to the offense. ~~Any such order shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the approving authority.~~ The Trustees reserve the right to require specific replanting and restoration methods, including specific survivability and success criteria.

- (5) Failure to comply with a restoration plan. Any person failing to comply with the terms of a mandated restoration plan as detailed in Subsection B(4) of this section within the proscribed period of time for completion shall be guilty of an offense and subject to a fine not to exceed \$25,000, or a term of imprisonment not to exceed 6 months, or both. ~~of not less than \$1,000 and not more than \$6,000.~~
- (6) For the offense of conducting or engaging in any coastal construction project or business without having first obtained a license, or while his license is suspended or revoked, a violator shall be subject to a fine not to exceed \$10,000. ~~of not more than \$5,000 for the first offense and not more than \$10,000 for each subsequent offense.~~
- (7) Mitigation. When on-site wetlands restoration and creation may be unfeasible due to technical or other constraints, other mitigative measures, such as off-site wetland restoration or creation, may be required.
- (8) Other offenses. For an offense against any of the provisions of this chapter not specifically designated above, a violator shall be subject to a fine not to exceed \$25,000. ~~of not more than \$1,000.~~

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.



Denis Noncarrow
Southold Town Clerk

RESULT: ADOPTED [UNANIMOUS]
MOVER: Greg Doroski, Councilman
SECONDER: Brian O. Mealy, Councilman
AYES: Doroski, Mealy, Smith, Krupski Jr, Doherty, Evans