

November 19, 2024 Town Board Work Session

- IV-1 9:00 Councilwoman Doherty, Councilwoman Smith, Government Liaison Gwynn Schroeder, Assistant Planning Director Mark Terry and Planner Mara Cerezo re: Report from the Housing Plan Working Group on Proposed ADU Accommodations
- IV-2 Councilwoman Doherty re: Proposed Tree Code
- IV-3 10:00 Tim Abrams, Building Maintenance Supervisor re: Pickleball Court Fencing at Old Schoolhouse Park
- IV-4 10:15 Town Board Break
- IV-5 Supervisor Krupski re: Fire Marshal Position- Request Town Clerk to Advertise
- IV-6 Supervisor Krupski re: Raising Fees
- IV-7 Legislation Regarding Political Signage
- IV-8 11:00 Vincent Orlando and John Stype (Zoom), Members of the Town of Southold Water Advisory Committee re: Proposed Irrigation Legislation
- IV-9 Announcement: Hugs, Inc. "FREE NALOXONE TRAINING" on Monday, December 2nd at 5:00pm at the Southold Town Recreation Center
- IV-10 Authorize Town Clerk to Advertise for Part Time Community Relations Specialist (Youth Program)
- IV-11 12:00 Town Board Lunch Break

Executive Session

- IV-12 Potential Acquisition(s), Sale or Lease of Real Property Where Publicity Would Substantially Affect the Value Thereof
12:30 Lillian McCullough, Land Preservation Executive Assistant
- IV-13 Labor- Matter Involving the Employment/Appointment of a Particular Person(s)
1:00 Janet Douglass, Recreation Supervisor
1:30 Chief Steven Grattan
2:00 Heather Lanza, Planning Director

IV-2
11-19-24



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MEMORANDUM

To: Jill Doherty, Town Board
From: Julie M. McGivney, Assistant Town Attorney
Date: November 14, 2024
Subject: Tree Code

Hi Jill. Attached is the updated Tree Code. Pursuant to our conversation and conversations with Tree Committee, this Code was drafted for the following 2 purposes:

1. Prevent unnecessary clearing of vacant lands for construction.
2. Limit the cutting of existing trees on improved properties.

If there are additional objectives, please provide me with same and I will start researching them. This is a basic starting point to grow from there.

CHAPTER XXX – TREE CLEARING

§1. TITLE

§2. FINDING; PURPOSE; JURISDICTION

§3. CONFLICTS

§4. SEVERABILITY

§5. DEFINITIONS

§6. GENERAL PROHIBITIONS

§7. EXEMPTIONS

§8. TREE REMOVAL PERMIT REQUIREMENTS; STANDARDS; CONDITIONS; COMPLETION; and CONSULTATION

§9. MAXIMUM CLEARING LIMITS

§10. OTHER CLEARING

§11. TRANSFERABILITY

§12. APPEALS; COMPLIANCE; PENALTIES; and FEES

§1. Title.

This chapter shall be known and may be cited as the “Tree Clearing Code of Southold Town.”

§2 Findings; Purpose; Jurisdiction.

- A. Findings. The Town Board finds that it has been established that trees stabilize the soil and control water pollution by preventing soil erosion and flooding, reduce air pollution, provide oxygen, yield advantageous microclimatic effects, temper noise and, further, that unusual, large and old trees have unique aesthetic and historical values. Indiscriminate removal of trees causes deprivation of these benefits and disrupts the Town’s ecological systems.

The Town, furthermore, takes note of the findings of the New York State Environmental Quality Review Act, among them being the obligation of the Town to serve as a steward of air, water, land and living resources and the obligation to protect the environment for the use of this and further generations. It is the intent of the Town to recognize these responsibilities in part by providing these procedures as well as to preserve the health and welfare and rural character of the community which is reflected in the woodlands of the Town of Southold.

- B. Purpose. The purpose of this chapter is to establish and maintain the maximum amount of tree cover on parcels in the Town of Southold. Additionally, to establish a responsible program for the removal of trees. It is also to prevent the indiscriminate or unnecessary destruction of trees within the Town of Southold.

- C. Jurisdiction. All vacant and improved parcels are subject to this Chapter unless they fall in any of the below listed categories:

1. SITE PLAN or SUBDIVISIONS:

- a) those governed by Article XXIV of Chapter 280 of the Southold Town Code, said provisions of Chapter 280 which require site plan approval; or
- b) those governed by Article XIII of Chapter 240 of the Southold Town Code, said provisions of Chapter 240 which pertain to land subdivision; OR

2. ENVIRONMENTALLY SENSITIVE PLANS:

- a) those governed by Chapter 275, under the jurisdiction of Southold Town Trustees;
- b) those governed by Chapter 111, properties in the Coastal Erosion Hazard Area; and
- c) Those governed by Chapter 280, including applications to the Zoning Board of Appeals; OR

3. THOSE SPECIFICALLY EXEMPT IN §7 OF THIS CHAPTER.

§ 3. Conflicts.

Where there is a conflict between Chapters 280, 240, 275 and/or 111 and this Chapter, whichever Chapter has more strict interpretation and/or is more restrictive shall apply. A Tree Removal Permit issued pursuant to this Chapter does not relieve the permit applicant from the responsibility of obtaining other permits or approvals as may be necessary, nor does it convey any right or interest in real property.

§4. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§5. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, having the meaning as herein defined. Any word or term not noted below shall be used with a meaning as defined in Webster's Third International Dictionary of the English Language, unabridged (or latest edition).

Applicant - The property owner, person, or his/her duly authorized agent, requesting a Tree Removal Permit from the Town pursuant to this Chapter.

Clearing Limit - Limit on trees to be removed under a Tree Removal Permit.

DBH/Diameter Breast Height - Tree trunk diameter measured 4.5 ft. above ground level at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than 4.5 feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Destruction of the natural habit of growth - Pruning that causes irreparable damage and permanent disfigurement to a tree such that, even with re-growth, the tree will never regain the original characteristics of its tree species; or pruning which amounts to tree abuse as defined herein that results in the death of the tree.

Land clearing - The clearing of vegetation and soils for the purpose of land development activities. This includes, but is not limited to, construction for buildings, rights-of-way, utility easements, access or drainage ways, parking lots and other structures, rock mining, the control of weeds or the initial clearing of vegetation to enhance property value or agricultural activities that involve the removal of trees as defined by this article.

Mitigation - To compensate for impacts to tree(s).

Person - Any natural person, individual, owner, operator, public or private corporation, firm, association, joint venture, partnership, municipality,

governmental agency, political subdivision, public or private utilities, public officer, responsible party or any other entity whatsoever, or combination thereof, of whatever kind.

Prune - To cut away, remove, cut off or cut back parts of a tree.

Remedial action - A corrective action required to offset the impacts of removal or damage to tree.

Removal - To cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.

Tree - Any living, self-supporting, woody perennial plant which is no less than twenty (20) inches in diameter measured at 4.5 feet above grade.

Tree Removal - Removal of a tree(s) or vegetation, through either direct or indirect actions including, but not limited to, clearing, topping or cutting, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading, or trenching in the dripline area of a tree which has the potential to cause irreversible damage to the tree, or relocation of an existing tree to a new planting location.

Tree Service Provider - Any person or entity engaged in commercial tree work.

Tree Removal Permit - A permit granted pursuant to the requirements of this chapter which allows the removal of trees.

§6. General Prohibitions.

Unless otherwise authorized by this article, no person shall cause, suffer, permit or allow the following:

- a) The removal of any tree, as defined in §5, on vacant land without first obtaining a Tree Removal Permit from the Building Department as herein provided;

- b) The removal of any tree, which exists on improved parcels for a period of one year upon taking ownership of property;
- c) The removal of any tree, as defined in §5, on improved property, upon proof of (b) above, without first obtaining a Tree Removal Permit from the Building Department as provided herein; or
- d) Any tree removal, encroachments, excavations, or change of the natural grade of property unless it can be demonstrated to the Building Department prior to the commencement of said activity, that the activity will not negatively impact any trees located on property or neighboring property and proof of qualification for §7 – exemptions.

§7. Exemptions.

The following activities are exempt from the provisions of this Chapter:

- a) Normal and routine pruning operations and maintenance;
- b) All tree maintenance or removal activities upon commercial bona fide agricultural lands;
- c) Trees that do not exceed 20” in diameter when measured at the DBH;
- d) Emergency conditions caused by hurricane or other natural disasters which necessitate to remedy an immediate threat to public health, safety, or welfare;
- e) All actions under Chapter 240 of the Town of Southold Code pertaining to Subdivisions and Site Plan Approvals. Any actions requiring Planning Board approval shall be exempt from this Chapter and shall follow the guidelines of tree removal under Chapter 280 Article XXIV and Chapter 240;

- f) Removal of trees by all town-licensed nurseries, botanical gardens and commercial orchard operations, but only in relation to those trees which are planted and grown for the sale or intended sale to the general public in the ordinary course of the licensed business;
- g) Removal of trees by all governmental and private nurseries with respect to trees which have been planted and grown for future relocation;
- h) Removal of any tree that is hazardous to the extent that its continued existence creates an imminent threat to public safety or property. In order to claim this exemption, the owner of the property must document by photographs or other evidence that such condition(s) existed prior to the removal of the tree;
- i) Removal of trees located within a cemetery;
- j) Removal of trees that are dead, dying, or diseased, or trees which have suffered damage, or any tree whose angle of growth makes it then a hazard to structures, roads, or human life as determined by the Highway Department, Building Inspector, or Town Engineer;
- k) Removal of trees, except historical or specimen trees, by franchised utility companies provided that:
 - 1. The utility company provides notice to the Town Highway Department specifying the trees proposed to be removed or trimmed pursuant to a Tree Trimming Program.

§8. Tree removal permit requirements, application requirements; standards; conditions; completion; consultation.

A. Permit Requirements:

1. Unless otherwise exempted by this Chapter, a person shall obtain a Tree Removal Permit from the Building Department prior to removing trees on vacant or improved property.

B. Permit Application Requirements:

1. Application forms: A tree removal permit application shall be submitted to the Building Department on Building Department approved application form(s).
2. Fees: The permit application must be accompanied by the required fee(s) as established by the Town Board. Permit application fees are non-refundable and nontransferable.
3. Required application data: The permit application data required shall include, but is not limited to:
 - a. the physical address and Tax Map designation of the property on which the trees are located name and address of the applicant and owner, if not the same;
 - b. the name and address of the applicant and owner, if not the same;
 - c. the purpose of proposed tree removal; and
 - d. for request of lot percentage, owner or applicant/agent must provide limits on survey or as requested by building department. Owners seeking less than the lot percentage may provide a drawn depiction of trees to be removed, this may include drawn on surveys, site plans, or drawn freehand.

Action on permit application shall be in accordance with the provisions Chapter 144 Section 144-9(A). Upon issuance of Tree Removal Permit, owner or agent must post a copy of the permit on premises. Said posting shall be visible from street and must be secured. Failure to post said permit shall be a violation of this Chapter.

C. Permit Standards for Tree Removal:

1. Any person conducting tree removal activities shall only remove tree(s) from a site as approved for removal in a Building Department Tree Removal Permit.

2. The reasonable term of a Tree Removal Permit shall be determined by the Building Department, however, not to exceed 12 months.

3. Damage to any other tree or trees on the site during tree removal activity may constitute a violation of this article.

4. An applicant may be eligible to receive a Tree Removal Permit if one of the following considerations are present:

- a. a proposed development cannot be located on the site without tree removal; or
- b. the location of trees provides no other alternative but to place a structure outside the permitted building setbacks; or
- c. the applicant has made every reasonable effort, consistent with the plan of development, to incorporate existing trees in the development project and to minimize the number of trees removed; or
- d. a tree proposed to be removed is of poor quality and condition; or
- e. a tree proposed to be removed is obstructing safe vehicular cross visibility; or
- f. a tree proposed to be removed is damaging existing improvements; or
- g. a tree proposed to be removed is creating ongoing safety problems for existing development; or
- h. owner requests removal for other reason. In this event, tree removal may not exceed maximum allowable percentage and this percentage will be the maximum allowed for a period of three years. Owner, without other reason above, will not be permitted to remove any other trees, in excess of

the percentage, until three years after the initial permit.

D. Permit Subject to Conditions:

The Department shall, in administering this chapter, impose such conditions and safeguards as it may deem appropriate, necessary or desirable to preserve and protect the spirit and objectives of this chapter and shall give consideration, among other things, to:

(1)

The number, size and location of the tree or trees and associated vegetation to be removed;

(2)

The condition of the tree or trees with respect to disease and the potential for creating hazardous conditions;

(3) The proximity of the trees to existing or proposed structures and utility appurtenances;

(4)

The use or necessity of trees as a buffer between the subject property and adjoining properties;

(5)

The necessity of the removal of a tree or trees;

(6)

The environmental effects of the land clearing;

(7)

Any of the considerations enumerated in the legislative intent of this chapter;

(8)

The reasonable relocation of proposed foundation walls, driveways, grading, surface and subsurface improvements or drainage systems to preserve specific trees;

(9)

Regulation of days and hours of removal;

(10)

Safeguards as appropriate to minimize the environmental impact of such removal operations; or

(11)

Determination if the disturbed area is to be backfilled.

E. Completion.

Within 10 days of completion of said work covered under the Permit, applicant shall notify Building Inspector. Building Inspector and or Code Enforcement officer, at their discretion, may perform an inspection. Upon inspection, Building Inspector and or Code Enforcement shall document said inspection, determine if same is in compliance and if not, report any violations of this Chapter.

F. Consultation.

The Building Department may request written consultation with the Town of Southold Tree Committee at any time and in any manner. Any information provided and relied on shall have the effect of the Building Department having made the determination itself.

§9. Maximum Clearing Limit

The maximum number of trees to be removed shall be determined by the required schedule below:

Lot size and permissible limits of clearing. Existing native and/or nonnative vegetation shall be preserved subject to the following limits of clearing schedule.

**LOT SIZE (square feet)
PERMITTED**

**PERCENTAGE OF SITE
TO BE CLEARED**

1 to 15,000.00	75%
15,001 to 30,000	60%
30,001 to 60,000	50%
60,001 to 90,000	35%
90,001 to 140,000	25%
140,001 to 200,000	20%
200,001 or greater	15%

Any parcel owner requesting a percentage of site clearance, shall provide clearing limits. Limits shall be clearly staked and approved by a New York State licensed engineer or surveyor prior to any clearing or grading.

Clearing of slopes equal to greater than 15%. The Building Department may permit the clearing of slopes equal to or greater than 15% with the approval of an erosion and sediment control plan prepared by a New York Licensed Engineer, provided clearing limits and clearing of slopes are not governed and/or required under §2 (C)(1-2), which shall take precedence.

§10. Other Clearing.

Parcel owners may request a permit, from the Building Department, for removal of a designated number of trees provided same does not exceed the clearing limit for the lot area. All trees shall follow the same procedures and rules for permit approval.

§11. Transferability.

A valid Tree Permit may be transferred to another applicant by approval of the Building Department upon a determination by the Building Department that the land, in its current status, conforms to the terms and conditions of the permit as issued. The fee for transferring said permit shall be determined by Town Board resolution.

§12. Appeals; Compliance Requirements; Penalties; Fees.

A. Appeals.

Any person aggrieved by a determination by the Building Department may, within 30 days of the decision, file a written application to the Town Board for review of the decision. Reviews shall be conducted based on the same record that was before the Building Department and using the criteria set forth in this Chapter. The Town Board decision shall be final.

B. Compliance Requirements.

All activities conducted and work performed pursuant to a Tree Removal Permit issued by the Building Department under this chapter, shall conform to the specific requirements of the Permit. It shall be the duty of the Building Inspector, Code Enforcement Officer, or Harbormaster to inspect periodically any such activities or work to ensure compliance. In the event it is determined that such activities or work is not being conducted or performed in accordance with the Permit, the Building Inspector or the Code Enforcement Officer shall issue a stop-work order and all affected activities and work shall immediately cease. No further affected activities or work shall be undertaken while the stop-work order is in effect.

It shall be the responsibility of the parcel owner or agent to prove the tree work was done by permit and within the parameters of said permit. Any tree work done on a parcel, without permission, shall be a presumptive violation of this Chapter unless owner or applicant/agent can verify work was done to Code or not required by Code.

C. Penalties.

Any person, firm, corporation or other entity who or which undertakes any regulated activity without a tree removal permit required by this Chapter of the Southold Town Code or who violates any condition attached to a tree removal permit, or who

otherwise violates any of the provisions of this chapter shall be guilty of an offense punishable of a fine of not more than \$2,500.00. For a second and each subsequent violation of this Chapter shall be guilty of an offense punishable by a fine of not more than \$2,500.00 for each violation.

D. Fees.

Any fines assessed shall be payable half to the Town of Southold and half to the Southold Town Tree Committee fund. Fines attributable to the Tree Committee are paid to the Fiduciary Fund and used by the Tree Committee exclusively for the planting of new trees and replacement of damaged or removed trees.

Noncommercial Signs

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Division of Local
Government Services

IV-7
11-19-24

Content-Neutral Regulations

Intermediate Scrutiny

Regulations are constitutional if they

- Impose valid time, place, and manner restrictions without reference to content
- Are narrowly tailored to serve a significant governmental interest
- Provide ample alternative channels for communication of information

Content-Based Restrictions

Strict Scrutiny

Constitutional only if they:

- Serve a compelling governmental interest
- Are necessary to serve the asserted compelling governmental interest
- Are precisely tailored to serve the compelling governmental interest
- Is the least restrictive means readily available for that purpose

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Content Neutrality

Regulate:

- Time
- Place
- Manner

Narrowly tailored to serve significant government interest

Ample alternative channels

- Clark v. Community for Creative Nonviolence

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Temporary signs

Whitton v. City of Gladstone:

The local law restricted “political signs within zones”

It also imposed time limits when signs can be posted before & after election

These provisions were deemed content-based and unconstitutional



Too restrictive of free speech

Temporary sign & other content neutral regulations must be narrowly tailored

Allowing only two temporary signs on private residential property would not be narrowly tailored, because it would infringe on political speech & the rights of homeowners.

– Arlington County Republican Committee v.
Arlington County, VA

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Ample alternative channels

Regulation of signs posted at private homes determined to be unconstitutional because there were no adequate alternative channel for speech:

- Residential signage not allowed
 - City of Ladue v. Gilleo
- Complete ban on posting any lawn signs
 - Cleveland Area Board of Realtors v. City of Euclid
- Posting of “for sale” or “sold” signs prohibited
 - Linmark Associates v. Township of Willingboro

Narrowly tailored local law

Use Less Restrictive Approaches:

- Regulate the design & condition of signs
- Prevent posting of sign too close to street
- Limit duration of signs



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Narrowly tailored local law

Use Less Restrictive Approaches:

- Regulate the design & condition of signs
- Prevent posting of sign too close to street
- Limit duration of signs



NEW YORK
STATE OF
OPPORTUNITY

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Government Services

Content neutrality

Local governments may forbid the posting of signs on public property, as long as it's in an evenhanded, content-neutral manner

People v. On Sight Mobile Opticians: upheld a ban against posting signs on public property.

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Riverhead Political Sign Code

Definition:

POLITICAL SIGN

A temporary sign indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a proposition or change of law to a public election or referendum, or pertaining to the advocacy by persons, groups, or parties of political views or policies.

Political signs and posters are permitted, subject to the following criteria:^[1]

(1)

Such sign(s) shall not exceed 32 square feet in area.

(2)

The candidate must obtain permission of the owner of any land used for political signs, which must be obtained prior to the erection of the sign.

(3)

Such sign(s) may not be erected or maintained on or in a public right-of-way or upon utility poles or upon public property.

(4)

All such signs shall be removed within two weeks subsequent to the date of public election or within 60 days of the issuance of the permit for said signs.

(5)

Candidates seeking to display any political sign(s) shall post a bond, check or such other equivalent security with the Building Department Administrator in the amount of \$200 per candidate. A sign displaying the name of more than one candidate shall require an additional fee of \$200. This security shall guarantee compliance with the provisions of this section regarding removal of signs set forth in Subsection **H(4)** above.

(6)

The existence of political signs in violation of Subsection **H(4)** of this section shall act to forfeit the aforementioned bond and to allow the Town to remove said signs.

[1]

*Editor's Note: Added at time of adoption of Code (see Ch. **101**, General Provisions, Art. J).*

Southampton Political Sign Code

Definition:

POLITICAL SIGN

A nonilluminated **sign** designed to influence voters or to express a **political** opinion.

Town of Southold Water Committee Water Conservation Code Suggestions

IV-8
11-19-24

The average homeowner uses around 130,000 gallons of water a year. The Town of Southold is looking to be proactive with the amount of water that residents and businesses use in the Town. The highest use of water is during the summer months, where 70% of the water usage during that time is from irrigation systems. *

Experts estimate that as much as 50% of water is wasted due to overwatering caused by inefficiencies in irrigation methods and systems. *

The public needs to be educated on how to use less water, the use of rain barrels, rain gardens and other water storage saving techniques. Lawns only need 1½ "of rain a week. *

Based on land variables, only about 29 to 57% of precipitation recharges into the aquifers. **

Saltwater intrusion is a concern in Southold Town. This is because of the number of miles of shoreline with many peninsulas and low-lying areas.

Ponding water on the roads deteriorates the road.

Residents and businesses can obtain discounts for installation of new systems from Peconic Estuary Partnership and SCWA.

*From SCWA

** NY Water Science Center

Code Suggestions:

1. **EFFECTIVE DATE: NEW USERS:** This law will be effective 4/1/25 and applies to homeowners or businesses that install a NEW sprinkler system that waters their lawns, flowers and plants, by an automatic sprinkler system or hoses, whether the water is from a water company or well water. This law does not apply to Misc. users. If a property owner needs to replace or update their system, it will be up to the new installation specifications.
2. **WATERING AFTER A RAINSTORM:** No watering of lawns for at least a minimum of 2 days, after 1/2 inch of rain has fallen in the Town of Southold.
3. **TIME OF WATERING:** You can water lawns, flowers and plants only between 4:00 pm and 10:00 am and only water your property on odd or even days based on your street address #. The odd or even day watering is recommended by SCWA. No daily watering.
4. **USE OF WATER SAVING DEVICES EPA Water Sense approved (SMART CONTROLLERS):** All **NEW** installations must have at least Two of the following: smart controller, rain sensor, on-site weather station or a soil moisture sensor installed and be in operation at initial installation. Once the rain sensor detects ½" of rain, it turns off the system. The shut off must last for at least a minimum of 2

days before the sensor puts the system back on. This also applies to an increase in the current system, of at least 30% in the number of heads of additional coverage. Proof needs to be given to the Town.

5. **USE OF WATER SAVING DEVICES** EPA Water Sense approved (SMART CONTROLLERS): All **CURRENT** automatic lawn sprinkler systems need to have at least Two of the following: smart controller, rain sensor, on-site weather station or a soil moisture sensor and have it operating in the on position. Once the rain sensor detects ½" of rain, it turns off the system. The shut off must last for at least a minimum of 2 days before the sensor puts the system back on. Any home or business that does not have one of the above systems will have until 4/1/28 to have one installed and be in operation. Proof needs to be given to the Town.
6. **EDUCATION:** The Town will have included on their web site information in the new Town code. It will also have links to web sites showing the proper techniques for a lawn and plantings. This information will also be on the lawn sprinkler contractor's web site and water provider's web site. The Town should also develop a pamphlet or flyer that can be used by the providers to state what the new code is and a web site link. Advertisements will be placed by town in the local paper each Spring and beginning of Summer to notify the public.
7. **CALENDAR WATERING ALLOWED:** Lawns, flowers and plants can only be watered by sprinkler systems between April 1 and October 15th, unless a new planting. Fall watering should be altered to take into consideration lower temperatures.
8. **CONTRACTORS:** Lawn sprinkler contractors need to communicate with their clients about this law and give them options needed to follow this law. This would include a flyer from the Town as well as information on options for increasing their system. The contractor would also have to provide the property owner with proof that they are following the Town code. When providing a new estimate to a customer, the contractor will provide them the minimum requirements set by the Town.
9. **DISCOUNTS:** PEP and SCWA or other available resources. Maybe the Town can also provide a discount.
10. **OUT OF TOWN USE OF TOWN OF SOUTHDOWN WATER:** Make this illegal. Review with public water providers. Penalties need to be set for the provider of this water to out of Town users.
11. **AREA OF PROPERTY IN LAWN AND TREE REMOVAL:** There should be a zoning code that states what the total area of a piece of property can be sprinklered or tree coverage on the property. This includes the taking down of trees. Trees help keep lawns and property from drying out and make the area cooler. Encourage the use of high grass areas and natural vegetation instead of green lawns.
12. **NO PONDING FROM IRRIGATION ON ROADS, SIDEWALKS OR DRIVEWAYS:** Water deteriorates the road.
13. **WATER DROUGHT CONDITIONS:** The Town should work with public water companies and the community, when there is a water drought condition, to have residents and businesses reduce their water consumption. This could mean not having irrigation systems run during this time. This could also include car washing at home.

14. **INCREASE RATES ON LARGEST USERS:** Work with public water companies to look at increasing rates for the top users of water and for homeowners that use over 10% over the average home. The % of increase will be the % they are over the average.

Penalties:

1. First notice is a warning.
2. Second notice \$500 fine. Give them 30 days to rectify.
3. Third notice or continuous violation, \$1,000 fine. Give them two weeks to rectify.

All penalties are the responsibility of the property owner.

Permit:

The Town should have a permit for every irrigation system, whether the system is on public water or well water. This will provide income for the code enforcement officer. \$100 for a two-year permit. It will need to be investigated to have the permit application to be done online, so no additional staff will be needed. The use of Municipality is very important. It is the responsibility of the property owner to submit the permit to the Town.

Definitions:

Automatic Irrigation system: An automatic underground, above ground, or grade-level system that allows or provides a means to apply controlled amounts of water to land for irrigation,

Rain Sensor: The system will shut off based on the amount of rain the sensor picks up. The system is then shut down for a two-day period. This is after ½" of rain has fallen.

Business Owner: Business owner that is not in the business of growing (food) vegetables, plants and shrubs.

Exempt from the law: This law does not apply to Misc. users that water plants during the day.

Weather Station: This controller has its own weather station that you install with it. It uses real-time data from the weather station to adjust the watering times. It is very accurate if it uses a good weather station.

Lawn Sprinkler Contractor: One who installs and maintains lawn and plant sprinkler systems for residential and business owner users.

Law applies to: This law applies to residential users or businesses that water their lawns, flowers and plants, by an automatic sprinkler system or hoses, whether the water is from a water company or well water.

Misc. user: Nurseries, greenhouses, vineyards, golf courses, vegetable, animal and grain farmers, commercial car washes, and garden centers.

Soil Moisture Sensor: A moisture sensor (often more than one), (1 is common in residential) is placed under the irrigation system to measure the actual amount of moisture in the soil. The irrigation time is based on the amount of moisture present.

Residential user: A residence that is used for habitation use only.

EPA Water Sense approved Smart Controllers: "Smart Controllers" are controllers that automatically update the watering schedule to allow for changes in water needs throughout the year. A smart controller will automatically reduce the watering times as the weather gets cooler, when less water is needed. Then as the weather begins to warm up, the controller will add more watering time.

Sole Source Aquifer: An aquifer designated by the US Environmental Protection Agency (EPA) as the sole or principal source of drinking water for the area above the aquifer and including those lands where the population served by the aquifer live : that is, an aquifer which is needed to supply 50% or more of the drinking water for that area and for which there are no reasonably available alternative sources should the aquifer become polluted.

Miscellaneous items to review

1. It was mentioned at our meeting to allow private wells for irrigation purposes.
2. With Saltwater intrusion happening, you might have to limit how many irrigation systems or the use of sprinklers close to the water.
3. SCWA told us that odd/even watering is the best way to go, instead of watering during certain times of the day.
4. Our goal to reduce the use of water is 15%. We are also growing, which will increase usage automatically.
5. There needs to be an education component to this new code. The contractors thought that the Town should put something in our tax bills.

11/14/24

HUGS, Inc x Southold Recreation Center

FREE NALOXONE TRAINING

**This spray can
save a life.**

And so can you.



LEARN HOW TO PREVENT AN OPIOID OVERDOSE.

Participants will be trained how to administer nasal naloxone and be given **one free overdose rescue kit each.**

Monday, December, 2 2024 at 5pm
970 Peconic Lane, Peconic, NY 11958

For more information, contact: rebecca@hugsinc.org