
(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 Middlesex
Village

Local Law No. ____ of the year **2014**

A Local Law Amending the Zoning Law of the Town of Middlesex with Steep Slopes Regulations
(Insert Title)

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

County
City
Town of Middlesex as follows:
Village

Section 1. Article II (Definitions) of The Zoning Law of the Town of Middlesex is hereby amended with the deletion of the existing definition of “Structure” in section 200.101 and the insertion of new definition of “Structure” in section 200.101 to read as follows:

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. “Structure” includes, but is not limited to: any buildings, foundations, fences, steps, stairs, decks, above ground or below ground storage tanks, wells and well components, both in-ground and above ground swimming pools, tennis courts, towers, billboards, poster panels, walls, retaining walls of any height, mortared or dry-laid stonework and trams and tram systems.

Section 2. Article II (Definitions) of The Zoning Law of the Town of Middlesex is hereby amended with the insertion of new definitions (said new definitions to be inserted alphabetically with all existing and new definitions being appropriately renumbered accordingly) to read as follows:

CONSTRUCTION EXECUTION PLAN – A written narrative, inserted on the site plan drawing or submitted as a separate document, describing the approach and sequencing of all construction activities, with primary emphasis on:

- initial and intermittent erosion control methods to be used and maintained
- site preparation activities (tree removal, clearing & grubbing, temporary crushed stone usage, temporary construction roads, clearing for material storage and equipment access, etc.)
- storage / removal of excavated materials
- construction entrance location and maintenance

CONCEPT PLAN - A sketch(s) with written narrative as necessary, prepared by the Applicant or his agent, to indicate the proposed development of the Applicant's parcel. Sketches can be drawn by hand, and placed on a copy of a corresponding tax map or similar existing document for presentation purposes. All existing

and proposed new structures and driveway / parking shall be shown. Approximate finished dimensions of buildings shall also be indicated. The purpose of a Concept Plan is to provide visual aide for preliminary project review with the Town Planning Board, prior to preparing engineered drawings.

DEVELOPMENT STANDARDS - Plan and elevation sketches prepared by the Town Engineer to provide Applicants with design approach preferences for steep slope construction, to be reviewed prior to formal preparation of plans by the Applicant's Architect and/or Engineer. (see Schedule IV, attached at the end of this Law).

DISTURBANCE - The removal of vegetation, any and all excavation, grading, filling, removal of soil or rock, demolition of existing structures, access created for construction purposes, drilling, trenching, benching, terracing, backfilling, storm and erosion control work, embankment stabilization, installation or construction of catch basins, culvert piping, swales, ditches, rip rap, construction entrances, driveways (including shared), retaining walls or improvements of a similar nature, utility work, placing or filling soil on top of the natural vegetative cover and the conditions resulting from any of such activities.

EROSION - Detachment and movement of soil or rock fragments by water, wind, ice and gravity.

EXTRACTIVE USE - The removal of any soil, gravel, natural gas or other earth generated product from a property with the intent to sell or reuse. Site work performed via building permit in preparation for property improvements, where earth generated products are removed off site incidental to construction activities, shall not be deemed an extractive use.

GRADING - Adjusting the degree of inclination of the natural contours of the land, including leveling, smoothing and other modification of the natural land surface.

LIDAR (an acronym which stands for *Light Detection and Ranging*), - a remote sensing method that uses light in the form of a pulsed laser to measure ranges (variable distances) to the Earth. These light pulses—combined with other data recorded by the airborne system— generate precise, three-dimensional information about the shape of the Earth and its surface characteristics. LIDAR information was obtained in 2006 through Pictometry and post processed through the Institute for Applied Geospatial Technology.

RESTORATION – The re-establishment of the grade, slope, stability, vegetation, or drainage system of a property in a steep slope area that has suffered a disturbance by restoring the property back to substantially the same condition as existed prior to the disturbance.

SITE PLAN - Map(s) or drawn representation of a proposed project or development, sometimes accompanied by written description and/or specifications, containing sufficient information and detail for municipal review and approval.

STABILIZED - A condition where a ground surface that has suffered a disturbance or been modified has received appropriate surface treatment, including structural cover or topsoil, seeding, mulching, geo-textile or erosion control matting (as applicable), to prevent erosion and sedimentation from occurring. In general, an area is considered “stabilized” when vegetative cover has exceeded 80% density coverage over that disturbed area or straw mulch has been applied and maintained at a rate of 2 tons per acre.

STEEP SLOPE – Slopes of land 15% or greater as delineated on a map(s) prepared for the Town utilizing LiDAR or by a licensed surveyor.

STEEP SLOPE PROTECTION AREA (SSPA) – Those areas having slopes 15% or greater (ratio of vertical distance to horizontal distance) as delineated on a map prepared utilizing LiDAR and GIS technology.

STORM WATER RUNOFF - The water that flows overland during a rainstorm or due to melting snow and ice. As a rainstorm occurs or as snow and ice melt, the water is either absorbed by trees and plants, infiltrates into the ground, re-evaporates or flows overland. The portion of the water that flows overland is defined as storm water runoff.

STRUCTURAL FILL – Native or imported soil or processed material suitable for achieving the minimum bearing capacity and compaction requirements for the intended use.

SUBGRADE – The finished surface elevation achieved after removing organic surface material, followed by any necessary cut or fill activity, but prior to installing base and surface treatments.

TREE REMOVAL – Cutting down a tree, or the effective destruction of a tree through intentional damaging, poisoning, or other action resulting in the death of the tree.

VEGETATIVE PROTECTION - Stabilization of erosive or sediment producing areas by covering the soil with:

- a. Permanent seeding, producing long-term vegetative cover,
- b. Short-term seeding, producing temporary vegetative cover, or
- c. Sodding, which is the placement of cultivated sod onto prepared topsoil to promote rapid soil stabilization.

WATERCOURSE – Any natural or man-made channel through which water flows intermittently or continually, such as rivers, streams, creeks, ravines, gullies, ditches, etc.

WATERSHED - The area or extent of land where water from rain and melting snow or ice drains downhill into a body of water, such as a river, lake, reservoir, estuary or wetland. This area can be comprised of one or several drainage basins, which include both the streams and rivers that convey the water as well as the land surfaces from which water drains into those channels and water bodies.

Section 3. Schedule I (Schedule of Land Uses or Activities), referenced in Section 402 of The Zoning Law of the Town of Middlesex and being a part thereof, is hereby amended by adding the following language to the Heading underneath the verbiage “All uses require a permit unless otherwise noted – See § 1001.3”:

“All uses in Steep Slope Protection Areas require a Steep Slope Protection Area Permit unless otherwise noted – See § 707.0, et seq.”

Section 4. Article VII (Supplementary Regulations) of The Zoning Law of the Town of Middlesex is hereby amended with the insertion of a new section 707.0., et seq. to read as follows:

SEC. 707.0. STEEP SLOPE PROTECTION AREAS

707.1. PURPOSES

707.1.1. The Master Plan for the Town of Middlesex recognizes that the steep slope areas within the Town are significant natural features to be preserved and protected from ecological damage.

707.1.2. The purpose of designating Steep Slope Protection Areas (SSPA) within the Town is to conserve the sensitive environment of steep slope areas, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of disturbance and development to the steep slopes by:

- A. Providing for the reasonable use of steep slopes while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage treatment problems.
- B. Guarding against property damage and personal injury; minimizing the potential for erosion, slope failure, stream siltation, increased storm water runoff, flooding, contamination of surface waters; and protecting the water quality of Canandaigua Lake and other downstream bodies of water.
- C. Conserving existing woodlands for air and water quality benefits and the preservation of wildlife habitats.
- D. Protecting important scenic views and vistas for the general welfare of the residents and businesses of the Town of Middlesex, of visitors to the Town of Middlesex, of those traveling on or otherwise enjoying Canandaigua Lake and of those residents and businesses across Canandaigua Lake whose own scenic views and vistas include those portions of the Town of Middlesex with steep slopes.
- E. Regulating expansion of current land use on steep slope areas.

707.2. STEEP SLOPE PROTECTION AREAS (SSPA)

707.2.1. The provisions of Section 707 shall apply to any parcel of land which falls in whole or in part within a Steep Slope Protection Area (SSPA).

707.2.2. The boundaries and/or slope percentages shown on the SSPA Map may be supplemented or modified by an on-site survey prepared by a New York State Licensed Land Surveyor or a Professional Engineer whenever a subdivision or land development plan is submitted for review.

707.2.3. Steep Slope Protection Areas are further categorized as Moderately Steep (15% to <25% slope), Very Steep (25% to < 40% slope) and Extremely Steep (40% and/or greater slope).

707.3. PERMITTED AND PROHIBITED USES AND ACTIVITIES WITH A SSPA

707.3.1. Permitted Uses and Activities on Moderately Steep Slopes (15% to < 25%)

707.3.1.1. Except for the prohibited uses identified in Section 707.3.2, all permitted uses allowed in the underlying zoning district are allowed within this slope category via a Steep Slope Protection Area Permit, provided that each activity is in compliance with the regulations of the underlying district, and is not prohibited by any other Town Law and as long as it conforms to Section 707.7 General Regulations.

707.3.2. Prohibited Uses and Activities on Moderately Steep Slopes (15% to < 25%)

707.3.2.1. The following uses and activities are specifically prohibited on Moderately Steep Slopes if the disturbance is 500 square feet or greater:

- A. Removal of existing ground cover and root systems except when related to a permitted use.
- B. Solid waste disposal, recycling uses, junkyards, or other similar outdoor storage use.
- C. Installation of tennis courts.

707.3.3. Permitted Uses and Activities on Very Steep Slopes (25% to < 40%)

707.3.3.1. The following uses and activities are permitted within this category via by a Steep Slope Protection Area Permit, provided that each use or activity is in compliance with the regulations of the underlying district, and is not prohibited by any other Town Law and as long as it conforms to Section 707.7 General Regulations:

- A. One single-family residence with attached or detached garage.
- B. One driveway to serve the residence / garage (Driveways must comply with the Town Private Driveways and Private Roads Law.)
- C. Trams and/or stairs as may be needed to access another elevation on the property.
- D. Minimal clearing of vegetation or grading, including the addition of fill, only as required for the construction of permitted construction activities within this category.
- E. Sanitary and storm sewers with the approval of the Town Engineer and the DEC.
- F. Sewage treatment system for residence. This must first be reviewed for location viability by local authorities, followed by design approval by the Watershed Inspector, DEC and/or the New York State Department of Health.
- G. Utility transmission lines and aboveground utility line structures unless upon petition of a public utility corporation, the New York State Public Utility Commission shall, after public hearing, decide that the presence of such proposed lines or structures in question is not reasonably necessary for the convenience or welfare of the public.
- H. New or expanded paths developed specifically for golf carts, ATV's or other similar small vehicles- maximum path width to be six feet.
- I. Minor detached structures such as storage /garden sheds, gazebos and playhouses.
- J. Those uses and activities otherwise prohibited by section 707.3.4.1 but whose disturbance is less than 500 square feet.

707.3.4. Prohibited Uses and Activities on Very Steep Slopes (25% to < 40%)

707.3.4.1. If the disturbance in this slope category is 500 square feet or greater, the following uses and activities are specifically prohibited:

- A. All items prohibited on Moderately Steep Slopes.
- B. All terraced landscaping, with or without retaining walls, not directly required to construct items listed under Section 707.3.3.1.
- C. Resource extraction uses.
- D. Storm water retention basins.
- E. Installation of in-ground or aboveground pools.

707.3.5. Permitted Uses and Activities on Extremely Steep Slopes of 40% or More

707.3.5.1. The following uses and activities are permitted within this category via a Steep Slope Protection Area Permit, provided that each use or activity is in compliance with the regulations of the underlying district, and is not prohibited by any other Town Law and as long as it conforms to Section 707.7 General Regulations:

- A. The construction of new stairs and/or new tramways as required for access to an allowable building site, existing residence, elevation change on the property or to the water front for lakeside property.
- B. Replacement of existing structures, stairs or tramways, all to be within the same footprint, that are currently on the property.
- C. The construction of roadside parking via retaining wall system if approved by the Town/County Highway Department or the Department of Transportation, whichever has jurisdiction.
- D. Installation of structures, to include access, that requires less than 500 square feet of disturbance.
- E. Those uses and activities otherwise prohibited by section 707.3.6.1 but whose disturbance is less than 500 square feet.

707.3.6. Prohibited Uses and Activities on Extremely Steep Slopes (40% or Greater)

707.3.6.1. All uses or construction activities, other than those set forth in section 707.3.5.1., that require 500 square feet of disturbance or greater are prohibited.

707.4. **STEEP SLOPE PROTECTION AREA PERMIT**

707.4.1. No disturbance exceeding the following thresholds shall take place within a SSPA without a Steep Slope Protection Area Permit based on the following Zones:

Zone A: 500 square feet (20 ft. x 25 ft.) of disturbance within 2000 feet horizontal distance from the mean high water mark of Canandaigua Lake.

Zone B: 500 square feet (20 ft. x 25 ft.) of disturbance within 100 feet horizontal distance from any open water course.

Zone C: 10,000 square feet (100 ft. x 100 ft.) of disturbance occurring beyond the horizontal distance stipulations in Zones A and B above.

707.4.2. For any prohibited use or activity that is proposed that would create a disturbance of less than 500 square feet within a SSPA, a SSPA Permit shall be required.

707.4.3. Applicants cannot segment disturbance to stay below disturbance thresholds.

707.4.4. Any person or entity seeking to perform a disturbance activity within a SSPA shall first file a SSPA Permit Application with the Town CEO who shall forward the SSPA Permit Application to the Town Planning Board for review in accordance with this Section 707 et seq.

707.5. **EXEMPTIONS**

707.5.1. The following activities do not require a Steep Slope Protection Area Permit:

- a. Soil cultivation for agricultural purposes.
- b. Wildlife sanctuary, woodland preserve, and similar passive park and recreation activities.

707.6. STEEP SLOPE PROTECTION AREA PERMIT APPLICATION AND REVIEW PROCESS

707.6.1. Steep Slope Protection Area Permit Application

707.6.1.1. At least 21 calendar days prior to the next regularly scheduled meeting of the Planning Board, applicants shall submit to the Town Code Enforcement Officer the application fee, as determined by resolution of the Town Board, and seven (7) copies of a SSPA Permit Application which includes a Preliminary Site Plan prepared by a licensed professional engineer. In addition to the requirements for site plan approval under section 700.20 of the Zoning Law, the Preliminary Site Plan shall include the following:

- Scale no more compressed than 40 feet per inch, with north arrow shown.
- Contours of existing and proposed topography for the overall property at a contour interval of no more than 2 feet.
- Existing, temporary and proposed roads, driveways, pathways and parking. Provide widths and slopes of these features. Show the public road serving the property.
- Existing right of ways and/or easements on the property.
- Location and size of all existing and proposed structures on the property, to include buildings, retaining walls, sheet piling, decks, docks, stairs and ramps.
- Location and description of all existing and proposed, open and closed, drainage features, to include roof drains, footing drains and retaining wall drains, with discharge points identified. Storm water calculations shall be provided for all existing and proposed culverts or changes to gullies. The applicant will need to document that each of these drainage features can convey the 25 year-one hour storm event (currently 2.1 inches/hr)
- Proposed locations of septic systems and water wells.
- Separate overlay map of categorized steep slope areas (coordinate w/ Code Enforcement).
- Site data table providing owner name, parcel address, lot size, tax map number, zoning district, and size of area being disturbed by the proposed development.
- All variances requested for the project site shall be listed.
- Required area of tree removal.
- Temporary and permanent erosion control features.

707.6.1.2. Following approval of the Preliminary Site Plan, the applicant shall submit a Final Site Plan of the proposed project, which shall include anything the Planning Board required as a condition on its Preliminary Site Plan approval and shall also meet the following additional requirements:

- Delineate the steep slope categories as defined herein on the Site Plan through legible limit lines or shading. No distinction shall be made between original (naturally occurring) and man-made steep slope areas.
- Provide these Site Data Table enhancements: front, side, rear setback requirements. If the structure development is part of the application: basement, finished floor and roof elevations shall also be provided.
- Indicate total area of disturbance, and in addition, show all topographic and existing structure information extending a minimum of 100 ft. beyond all parcel(s) property boundaries utilizing watershed/Town owned LiDAR if surveyor access is not possible. Site disturbance includes private roads/driveways that are jointly owned or utilized by applicant.
- For public road serving the property, show shoulder width, drive lane width and sight distance at driveway access to property.
- Show proposed driveway profile with existing grade, proposed grade and driveway slopes. This information shall be provided via separate details sections. Also provide proposed driveway cross-sections with existing and proposed grades for side slopes.
- Show proposed driveway pull offs, turn-arounds and emergency equipment access.
- Disturbances greater than 5,000 square feet in Zones A and B and 15,000 square feet in Zone C:

Storm water calculations used for all proposed drainage improvements shall be submitted for review. The following storm events shall be studied: one (1) year, ten (10) year, twenty-five (25) year and one hundred (100) year storms. The engineer will complete both the Rational Method and TR55 method of calculating peak flows and the greater of the two calculated peak flows will be used. Stormwater calculations will include the entire drainage area to the site and the entire drainage area of the gully/stream that the site drains to. Stormwater calculations shall be provided for any existing or new culverts or changes to existing gullies/concentrated flow paths and diversion swales that traverse the property. Storm water piping, channels and swales shall be designed based on the entire contributing drainage area to handle the 25 year- one hour rain event (currently 2.1 inches/hr).

- Show all natural topographic features, including tree lines, brush lines, rock outcrops, runoff swales, creeks and gullies. Show wetlands, flood zones, soil types and their respective erodibility. Indicate vegetation features to be removed and to remain.
- Provide written details (including sequence of construction) and drafted sectional views of all temporary and permanent Erosion Control Methods that will be utilized, i.e., silt fence, inlet protection, sediment basins, check dams, construction entrance with maintenance plan, seeding/mulching mix, application rates & specifications and re-vegetation of all disturbed areas.
- Show any temporary soil stockpiling locations, along with stabilization and erosion protection for the soil stockpiles.
- Show construction entrance and provide maintenance plans.
- Provide a Construction Execution Plan narrative on sites disturbing more than 5,000 square feet in Zones A and B and 15,000 square feet in Zone C.
- Indicate location and species name of all trees 6" diameter or greater proposed for removal. Label these trees on the plans.

707.6.1.3. The application shall take into consideration the Development Standards contained in Schedule IV attached at the end of this Law and shall be prepared in accordance with the New York State Standards and Specifications for Erosion and Sediment Control (aka Blue Book) and the New York State Stormwater Management Design Manual.

707.6.2. Steep Slope Protection Area Permit Review

707.6.2.1. The Planning Board shall review the application and the site plan and make its determination thereon in accordance with the site plan review procedures set forth in section 700.5 of the Zoning Law and, in addition, in accordance with the following:

707.6.2.1.1. The Planning Board will allow the applicant to present a pre-application Concept Plan Review. An applicant is always encouraged to submit a concept plan, which includes a current topographical map showing the anticipated area of disturbance and preliminary project scope, to the Planning Board for informal review and discussion prior to filing a SSPA Permit Application. This conceptual review must be placed on the Planning Board agenda in advance, and will be conducted at no expense to the applicant. This preliminary step in the review process will help the applicant determine the feasibility of the proposed development.

707.6.2.1.2. The Planning Board shall evaluate the application based upon Section 707.6.1 (Steep Slope Protection Area Permit Application) and Section 707.7 (General Regulations).

707.6.2.1.3. If the Planning Board or the Town Engineer determines that the Applicant's steep slope mapping and/or project drawings are deficient in depicting existing land conditions, steep slope categories, appropriate contours and/or proposed site improvements to meet these regulations, the Applicant may be required to revise and resubmit 7 copies no later than 10 days prior to the next Planning Board meeting. The Planning Board must identify the specific areas of the site plan application that are considered deficient.

707.6.2.1.4. The Town Planning Board shall have the right to grant a waiver from any or all of the Guidelines and Regulations where appropriate and thus modify the scope of review, if it can be clearly shown by the applicant through supportive findings, that such submission is not needed and does not undermine the intent of this chapter. The record of any such waiver shall become part of the application.

707.6.2.1.5. Disturbances made or to be made and structures constructed, placed or installed or to be constructed, placed or installed after the adoption of this law shall be looked at by the Planning Board to determine if it is part of an overall Common Plan of Development for the site if future disturbances occur or applications are submitted.

707.6.2.1.6. Rolled Erosion Control products shall be used to stabilize slopes that exceed slopes of 25%.

707.6.2.1.7. Trees 6 inches or greater within twenty (20) feet of the shoreline, within twenty (20) feet of the top of slope of the shoreline cliff area (slopes exceeding 100 percent/ 45 degrees with a vertical height of 20 feet or greater) or twenty feet from the toe of a gully shall not be removed unless they are deemed unhealthy or a safety hazard by a certified arborist or equivalent. Enhancing lake views can be done through a combination of canopy reduction and selective thinning without substantial tree removal at the top of the shoreline cliff area. Tree removal may be allowed in the gully zone for the purposes of traversing a gully via a bridge or culvert structure to access another portion of the property.

707.6.2.1.8. Based on the complexity of the project, the Planning Board retains the right to require the Applicant to have a certified geo-technical report prepared, which may include soil borings, to support the viability of proposed structures along with protecting the stability of the entire site.

707.6.2.1.9. The Planning Board may require a review by the Middlesex Fire Chief and/or CEO, to determine if the proposed development meets the latest State Building and Fire Code response requirements.

707.7. GENERAL REGULATIONS

707.7.1. The proposed development shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize grade disturbance and tree removal. (see Schedule IV, attached at the end of this Law)

707.7.2. The finished slope of all cuts or fills for any site work in areas where only vegetation is proposed to prevent erosion shall not exceed a slope of one vertical to two horizontal (50% grade or 26.5 degrees of angle) without a retaining wall or other similar structural stabilization.

707.7.3. Any fill placed on the lot shall be properly stabilized and, if necessary, depending on the nature of the soil types, soil characteristics, and existing slopes, supported by retaining walls or other appropriate structures.

707.7.4. Installation of new retaining walls higher than three feet above finished grade require design drawings to be stamped by a New York Professional Engineer.

707.7.5. Any existing retaining wall higher than three feet above finished grade incorporated into the proposed project design requires the evaluation of a New York Professional Engineer as to its structural integrity and written direction and certification as to its use.

707.7.6. The alignment of roads and driveways shall follow the natural topography and minimize re-grading. Proposed roads, driveways and parking areas shall be designed so that land clearing and/or grading does not cause accelerated erosion.

707.7.7. If a permanent driveway cannot be legally built to serve the residence or other improvement, no temporary construction road/driveway may be permitted.

707.7.8. Locate proposed new drainage features to provide for proper connectivity and flow to existing drainage gullies, etc.

707.7.9. If downstream culverts/ditches/gullies/streams cannot handle the existing or increased flows, then the post development site shall be designed to provide a net-zero increase in the peak runoff flow rate for all analyzed storms. If site constraints do not allow for practices to obtain a net-zero increase in peak runoff then the applicant shall calculate the drainage capacity of the most immediate downstream drainage culvert for the 25 year one hour storm (currently 2.1in/hr) design storm and determine if it can handle the increase from the proposed construction. In the event the anticipated peak flow exceeds the existing culvert capacity, and no alternative to reduce the peak flow exists, then the Planning Board and Code Enforcement Officer shall be notified. All discharged storm water from the site shall be reduced to non-erosive flow rates.

707.7.10. Stabilized diversion swales shall be located upgrade from any development on steep slopes to limit the volume of runoff water that may affect erosion, sedimentation or slope failure of these placed fills. Flow shall not be diverted onto neighboring properties.

707.7.11. Benching of existing grades to be disturbed shall meet NYSDEC Standards and Specifications for Erosion and Sediment Control, land grading, page 5B.49, design criteria 3 and figure 5B.23, as well as Town Standards.

707.7.12. Retaining walls constructed downslope of a road shoulder for the purpose of supporting a parking area shall be designed to support a minimum of H-20 highway loading as a surcharge on the retaining wall, subject to applicable Highway Department approval. Construction of retaining walls within a road right-of-way requires written design approval from the applicable Highway Department prior to construction.

707.7.13. New York State Department of Health and/or Watershed Inspector approval of any proposed septic system design or repair shall be obtained in advance of Site Plan Review.

707.7.14. From October 15th until April 1st, disturbed land areas that are not worked for three (3) days shall not be left bare or exposed. Approved temporary or permanent protective straw mulch and/or erosion control blankets shall cover these disturbed areas to provide stabilization. From April 1st until October 15th disturbed land areas that are not worked for five (5) days shall not be left bare or exposed. Approved temporary or permanent seeding along with protective straw mulch and/or erosion control blankets must cover these disturbed areas. All seeding, straw mulching and erosion control blankets shall meet the installation methods and quantities as stated in the New York State Standards and Specifications for Erosion and Sediment Control.

Section 5. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section 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 6. 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. ____ of 2014 of the **Town of Middlesex** was duly passed by the Middlesex Town Board on _____, 2014, 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 Officer¹.)

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.

¹ 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 2005 of the City of _____ 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.

Town Clerk

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

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.

Attorney to the Town
Town of Middlesex

Date: _____