

DRAFT
Based on November 6, 2008 Land Use Recommendations #3

(Tidal Wetland Definition)

**INCORPORATED VILLAGE OF OLD FIELD
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW NO. 2 OF 2009 AMENDING
CHAPTER 16 OF THE CODE OF THE VILLAGE OF OLD
FIELD AS IT RELATES TO THE DEFINITION OF TIDAL
WETLANDS**

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Old Field as follows:

Section 1. Legislative intent.

The Board of Trustees hereby finds that it is necessary to amend and update certain sections of Chapter 16 of the Code of the Village of Old Field in order to protect the Village's natural resources.

Section 2. Amendments.

Chapter 16 of the Code of the Village of Old Field shall be amended to read as follows:

Section 3. Definitions.

§ 16-4 DEFINITIONS

~~VEGETATED TIDAL WETLANDS—All banks, bogs, meadows, flats and tidal marshes subject to tides and upon which grows the following vegetation, but not limited to salt meadow grass (*Spartina patens*), salt grass (*Distichlis spicata*) or salt marsh cordgrass (*Spartina alterniflora*).~~

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TIDAL WETLANDS - Property within and included in the inventory of tidal wetlands prepared by or for the State of New York and filed with the Suffolk County Clerk as of September 28, 1982, last revised November 16, 1982, and entitled "Tidal Wetlands Maps," and any amendments thereto, which include any or all of the following:

- A. Those areas which border or line beneath tidal waters, such as but not limited to banks, bogs, salt marshes, swamps, meadows, flats or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters.

- B. All banks bogs, meadows, flats and tidal marshes subject to such tides and upon which grow or may grow some or any of the following: salt meadow grass (*Spartina patens*) salt grass (*Distichlis spicata*), balck grass (*Juncus gerardia*), saltworts (*Saslsola spp.*), sea lavender (*Limonium carolinianum*) glassworts (*Salicornia spp*), big cord grass (*Spartina cynosuroides*), prairie cordgrass (*Spartina pectinata*) marsh elder (*Iva frutescens*), sea-blite (*Suaeda maritime*), groundsel-tree (*Baccharis halimifolia*, crimson –eye rose mallow (*Hibiscus palustris*), seaside goldenrod (*Solidago sempervirens*) and the intertidal zone including salt marsh cordgrass (*Spartina alterniflora*).

Section 4. 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, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

Section 5. Effective date.

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

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