

Wayne County Board of Supervisors

COURT HOUSE, LYONS, NEW YORK 14489

315-946-9767

December 7, 1976

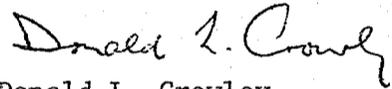
DONALD L. CROWLEY
COUNTY ATTORNEY

New York State Department of
Environmental Conservation
50 Wolf Road
Albany, N. Y. 12233

Gentlemen:

Enclosed is a copy of the Freshwater Wetlands Protection Law adopted by the Wayne County Board of Supervisors on November 16, 1976 together with a statement of the county's technical and administrative capacity to administer such law.

Very truly yours,



Donald L. Crowley
County Attorney

DLC/hm

Enc.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that LOCAL LAW NO. 4 - 1976, as set forth below, was adopted by the BOARD OF SUPERVISORS of the COUNTY OF WAYNE on the 16th day of November, 1976.

LOCAL LAW NO. 4 - 1976

County of Wayne

State of New York

A LOCAL LAW pursuant to Article 24 of the New York Environmental Conservation Law to provide for the protection, preservation and conservation of the freshwater wetlands within the boundaries of Wayne County.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE as follows:

Section 1. Pursuant to §24-0501 of the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law), the County of Wayne shall fully undertake and exercise its regulatory authority with regard to activities subject to regulation under the Act in freshwater wetlands, as shown on the Freshwater Wetlands Map, as such map may from time to time be amended, filed by the Department of Environmental Conservation pursuant to the Act, and in all areas adjacent to any such freshwater wetland up to 100 feet from the boundary of such wetland. Such regulatory authority shall be undertaken and exercised in accordance with all of the procedures, concepts and definitions set forth in Article 24 of the New York Environmental Conservation Law and Title 23 of Article 71 of such law relating to the enforcement of Article 24, as such law may from time to time be amended.

Section 2. This law shall take effect upon the filing with the County Clerk of the County of Wayne of the final Freshwater Wetlands Map by the New York State Department of Environmental Conservation pursuant to §24-0301 of the Freshwater Wetlands Act applicable to any or all lands within the County of Wayne.

THIS NOTICE OF THE ADOPTION OF THE ABOVE LOCAL LAW is published in accordance with Section 214 of the County Law of the State of New York.

Dated: Lyons, New York
November 24, 1976
Lois Van Hoover, Clerk
Board of Supervisors of the County of Wayne

PLEASE PUBLISH TWICE (2).

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of WAYNE
~~Town~~
~~Village~~

Local Law No. 4 of the year 19 76

A local law pursuant to Article 24 of the New York Environmental Conservation Law to
(Insert title)
provide for the protection, preservation and conservation of the freshwater
wetlands within the boundaries of Wayne County.

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

County
~~City~~ of WAYNE as follows:
~~Town~~
~~Village~~

Section 1. Pursuant to §24-0501 of the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law), the County of Wayne shall fully undertake and exercise its regulatory authority with regard to activities subject to regulation under the Act in freshwater wetlands, as shown on the Freshwater Wetlands Map, as such map may from time to time be amended, filed by the Department of Environmental Conservation pursuant to the Act, and in all areas adjacent to any such freshwater wetland up to 100 feet from the boundary of such wetland. Such regulatory authority shall be undertaken and exercised in accordance with all of the procedures, concepts and definitions set forth in Article 24 of the New York Environmental Conservation Law and Title 23 of Article 71 of such law relating to the enforcement of Article 24, as such law may from time to time be amended.

Section 2. This law shall take effect upon the filing with the County Clerk of the County of Wayne of the final Freshwater Wetlands Map by the New York State Department of Environmental Conservation pursuant to §24-0301 of the Freshwater Wetlands Act applicable to any or all lands within the County of Wayne.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. ⁴ of 19 76
County
of the ~~City~~ of WAYNE was duly passed by Board of Supervisors
~~Village~~ (Name of Legislative Body)
on November 16, 19 76 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by
Town (Name of Legislative Body)
Village
on 19 and was approved not disapproved
repassed after disapproval by the Elective Chief Executive Officer
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19 and was approved not disapproved
repassed after disapproval by the Elective Chief Executive Officer
on 19. Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19, in accordance with the appli-
annual
cable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
of the City of was duly passed by the on
Town (Name of Legislative Body)
Village
19 and was approved not disapproved
repassed after disapproval by the Elective Chief Executive Officer on
19. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
19, 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 chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 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 election held on general 19 became operative.

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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.

Lisa Van Horn
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

Date: November 24, 1976

(Seal)

(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 WAYNE

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.

Donald L. Cowley
.....
(Title of Officer) Wayne County Attorney
County
~~CITY~~ of WAYNE
~~TOWN~~
~~VILLAGE~~

Dated: November 24, 1976

(Please Use this Form for Filing your Local Law with the Secretary of State)

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County
~~City~~ of WAYNE
~~Town~~
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(Insert title)
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Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
~~City~~ of WAYNE as follows:
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Section 2. This law shall take effect upon the filing with the County Clerk of the County of Wayne of the final Freshwater Wetlands Map by the New York State Department of Environmental Conservation pursuant to §24-0301 of the Freshwater Wetlands Act applicable to any or all lands within the County of Wayne.

Office Clerk of Board of Supervisors,
County of Wayne) ss:

I, hereby certify that I have compared the foregoing copy of ^{local law} ~~resolution~~ with the original duly adopted by the above mentioned Board at a session held on the 16th day of November 1976 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said Board, this 7th day of December 1976.

Luis Van Haver Clerk.

Administration of Wayne County Local Law No. 4 (76)

The Wayne County Soil and Water Conservation District will have the overall responsibility for administering the regulatory program required by Local Law No. 4 (76).

Applications for permits will be filed with the County Clerk, who shall forward them to the District. The applications will be reviewed by the District staff, and a staff member will be appointed as hearing officer to conduct the required public hearings. Applications, including all documents and maps associated with them, will be available for inspection at the County Clerk's office.

Decisions on the issuance of permits will be made by the District, after review of the hearing officer's report.

Technical expertise for administering the local law will be available from the District staff and the U. S. Soil Conservation Service. The personnel of both agencies, including trained environmentalists, have extensive experience in the fields of conservation and environment.

The District will conduct hearings to determine whether permits should be suspended or revoked, or whether administrative sanctions should be imposed. Enforcement of administrative penalties will be done by the Attorney-General, at the request of the District.

The only specific costs of administration foreseen at this time are the costs of mailing notices and perhaps some costs involved in conducting public hearings. However, the Wayne County Soil and Water Conservation District is funded, in part, by the Board of Supervisors. If the administration of the local law by the District results in increased staffing or other costs to the District, it may be necessary for the County to appropriate additional funds for the District.