

1 Chapter 82. IRRIGATION REGULATIONS

2 § 82-1. Title.

3 This chapter shall be known as the "Town of Shelter Island Irrigation Regulations Local Law."

4 § 82-2. Purpose and policy.

5 A. Intent; findings. The Town of Shelter Island has only one freshwater aquifer from which to
6 draw its groundwater, as it is cut off from fresh groundwater inflow from adjacent areas of the
7 east end of Long Island. Shelter Island is low in topography, resulting in a shallow water table
8 and a thin groundwater reservoir. The freshwater lens is thinnest and the groundwater most
9 limited in coastal areas where the development pressures are the greatest, but even water drawn
10 from the central part of the Town may potentially place strains on the shorefront systems. Thus,
11 the Town Board has determined that regulating the installation of new irrigation systems on
12 Shelter Island will protect the aquifer and promote the health, safety and welfare of the entire
13 community.

14 B. A consulting engineering firm which was retained by Suffolk County prepared a
15 Comprehensive Water Resources Management Plan (hereinafter "water plan"), which was
16 prepared and submitted on January 30, 1987. This has been updated by a study prepared by
17 Leggette, Brashears & Graham Inc. dated June 2014 and significant study by a citizen irrigation
18 committee studying the issues.

19 C. The Suffolk County Department of Health Services has prepared a groundwater model for
20 Shelter Island. Suffolk County says the report shows that the freshwater lenses on the Ram
21 Island, Montclair and West Neck peninsulas are extremely limited and will be impacted by
22 increased groundwater withdrawals. Excessive pumping from inland areas can impact outlying
23 areas by inducing saltwater intrusion or upconing.

24 D. The water plans recommend that water conservation measures be encouraged, including
25 limitations on water consumption.

26 E. The first Comprehensive Plan for Shelter Island, which was adopted in May 1994, emphasizes
27 the need to protect our groundwater, which is supplied by a sole source aquifer.

28 F. Therefore, the Town Board believes it in the best interest of the Town of Shelter Island, with
29 respect to the sufficiency and quality of its water supply, to regulate or limit the consumptive use
30 of water throughout the Town by regulating irrigation systems.

31 G. The Town Board reserves the right to adjust or eliminate the irrigation regulations as water
32 conditions change.

33 § 82-3. Statutory authority.

34 This chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule
35 Law.

36 § 82-4. Definitions.

37 As used in this chapter, the following terms, words and phrases and their derivations shall have
38 the meanings indicated:

39 **BACKFLOW PREVENTION DEVICE**

40 A pressure vacuum breaker, double-check valve assembly or a reduced pressure zone-
41 type device acceptable for containment control in accordance with the New York State
42 Department of Health requirements.

43 **BUILDING INSPECTOR**

44 A Building Inspector of the Town of Shelter Island or an enforcement official designated
45 by the Town Board.

46 **CAPTURED WATER**

47 Shall be the water captured into a cistern from impermeable surface runoff as allowed by
48 this code.

49 **CISTERN**

50 For purposes of this chapter, a single or series of underground or basement water storage
51 tanks with collective minimum capacity of 8,000 gallons which is filled with water as
52 specified in this chapter, and which is used for outdoor irrigation purposes. The
53 provisions of this chapter do not apply to cisterns used for indoor domestic purposes.

54 **CONSUMPTIVE USE OF WATER**

55 The quantity of water released into the atmosphere by the process of evaporation, and the
56 water incorporated into the vegetative process and transpired by plants to the atmosphere.

57 **DRIP IRRIGATION SYSTEM**

58 The use of drip line with drip emitters to water vegetation.

59 **GOLF COURSE**

60 A tract of land used and maintained for playing the game of golf, whether publicly or
61 privately owned.

62 **GRANDFATHERED TURF IRRIGATION SYSTEMS**

63 Shall mean those turf irrigation systems which obtained a permit prior to 3/1/1996.

64 **HAND WATERING**

65 The watering of property by one hand-held hose or one single portable lawn sprinkler.

66 **IRRIGATION SYSTEM**

67 An irrigation system is a system for artificial application of water to the land, soil or turf.

68 **IRRIGATION ZONE**

69 An area encompassing a defined number of sprinkler heads or drip emitters that is
70 designed and sized to maintain water pressure and gallonage produced which is sufficient
71 to properly operate the irrigation system. Each zone is regulated individually by an
72 irrigation control clock.

73 **LICENSED IRRIGATION CONTRACTOR**

74 A person or business meeting the standards established in Section 82-5.

75 **MASTER CONTROL VALVE**

76 A main valve which can open or shut water distribution to all irrigation zones.

77 **MOISTURE SENSOR**

78 A device to turn irrigation water on or off according to the moisture levels in the soil.

79 **NEAR SHORE OVERLAY ZONE**

80 Shall mean the Near Shore Overlay Zone as defined in the Chapter 133 Zoning Code.

81 **NEW TURF IRRIGATION SYSTEMS**

82 Shall mean any turf irrigation system other than a grandfathered irrigation system.

83 **NON NEAR SHORE OVERLAY**

84 Shall mean the areas of Shelter Island that do not lie within the Near Shore Overlay Zone.

85 **OWNER**

86 Any person, firm, partnership, corporation or organization of any kind holding legal title
87 to real property in the Town of Shelter Island.

88 **RAIN SENSOR**

89 A device located in an area that allows rainfall to come in full contact with its parts and is
90 designed to turn a system on or off when moisture is present.

91 **TIME CLOCK**

92 A device that controls the irrigation system and turns it on and off at a desirable time and
93 operates the system for a set period of time.

94 **TOWN BOARD**

95 The Town Board of Shelter Island.

96 **TRUCKED-IN WATER**

97 Shall mean fresh water that is trucked in from an off-island source.

98 **TURF**

99 Turf shall mean those grasses which are regularly cut to a level of six inches or less.

100 **TURF IRRIGATION SYSTEM**

101 An irrigation system designed to automatically water turf grass.

102 **USER**

103 Any person, firm, partnership, corporation or organization of any kind having the right to
104 use or occupy real property in the Town of Shelter Island.

105 §82-5. Irrigation Permit.

106 A. Irrigation is only allowed if conducted in compliance with the provisions of this ordinance.
107 All other forms of irrigation are prohibited.

108 B. All persons using a turf irrigation system, whether grandfathered, new or drip per §82-8(C),
109 must obtain an initial town irrigation permit for that system, which may be issued for a length of
110 one year and is renewable annually.

111 C. Applications for initial irrigation system permits shall include a plan of the turf irrigation
112 system and cisterns (if applicable), based upon Suffolk County Tax Map information or a land
113 survey at a scale not less than 40 feet to the inch, with the following information:

114 1. The name of the owner and/or user of the real property and the name of a resident
115 contact person who has access to a valve that shuts off the system (shutoff valve).

116 2. The Tax Map sheet or signed land survey showing the location of all buildings thereon.

117 3. The proposed layout of the system, including the source(s) of water supply, number of
118 zones, number of irrigation heads, the type and number of feet of drip or soaker hose,
119 make and model number of clock controller, the location of the master control valve, rain
120 sensor and moisture sensor, and, when connected to a public water supply system, the
121 location of the backflow prevention device.

122 4. A certification by a licensed irrigation contractor that the system meets the town code
123 and a calculation showing the irrigation system's estimated water consumption per
124 operational cycle of all zones.

125 5. If applicable, proof of filling the cistern in the prior year with trucked-in water
126 itemizing the dates and gallons delivered, which proof can be requested by the Building
127 Department at any time.

128 6. A cistern must comply with the same setbacks as an underground fuel tank.

129 7. An application form with an application fee in an amount established from time to time
130 by the Town Board.

131 D. Prior to issuance of a turf irrigation permit, all systems must meet the following minimum
132 standards:

133 1. A programmable time clock for control of the irrigation system valves. Only time
134 clocks which have the following capabilities shall be used:

135 a. An adjustable clock monitor for starting and stopping the water cycle at any
136 hour of the day or night.

137 b. A calendar program which allows automatic watering cycles on any day, or on
138 alternate days, or on every third day, on a repeating basis.

139 c. An override circuitry which can be set to prevent the automatic water cycle
140 from starting when watering is not required per the rain-sensor.

141 d. Operational settings and programming of the time clock controller, readily
142 accessible on its face.

143 2. Moisture sensors and rain-sensors for overriding the operation of the irrigation system
144 when it is raining or soil moisture is sufficient, in accordance with this chapter, and with
145 a master control valve.

146 a. Rain-sensors shall be attached to the system and set to trigger after 1/4 inch of
147 rainfall; and

148 b. The rain-sensor must be positioned in an elevated, unobstructed and open area.

149 3. A shutoff valve, which can be operated automatically or manually.

150 4. If connected to a public water supply system, the system shall have an approved
151 backflow prevention device.

152 5. A master control valve for multi-zone systems.

153 6. A master battery backup to keep the system settings during power outages.

154 E. Annual renewal turf irrigation permits. Applications for renewal turf irrigation permits shall
155 include the following:

156 1. A certification by an irrigation contractor licensed by the town that the turf irrigation
157 system is operating to maximal efficiency with the above-described components present
158 and operational; and

159 2. If applicable, proof of filling the cistern in the prior year with trucked-in water
160 itemizing the dates and gallons delivered, which proof can be requested by the Building
161 Department at any time. Failure to provide proof when requested shall be grounds for
162 denial of the permit.

163 3. Turf irrigation systems in the Near Shore Zone which draw on the aquifer shall include
164 a copy of a chloride test of the irrigation system water pursuant to a sample taken in the
165 previous 60 days. The Town reserves the right to deny a permit if the above test shows
166 chlorides exceed 125 mg/l.

167 4. A permit fee in the amount established, from time to time, by resolution of the Town
168 Board.

169 F. Any person signing the above permit certifications shall be a licensed irrigation contractor.

170 1. The following criteria must be met to obtain such a license:

- 171 a. Have a home improvement contractor license; and
172 b. Certify that all business personnel dealing with irrigation have read and
173 understand the town code; and
174 c. Submit information as to the financial responsibility and character of the
175 applicant.
176 2. The building inspector may suspend an irrigation contractor license for up to 30 days
177 for an irrigation-operation violation, and may revoke the license for a year for an illegal
178 installation or fraudulent certification violation.
179 G. The building inspector may suspend an irrigation permit for up to 90 days as a consequence of
180 an irrigation violation.

181 § 82-6 Grandfathered Turf Irrigation Systems

- 182 A. This section applies only to grandfathered turf irrigation systems.
183 B. Such systems are not required to be fed by cistern, but are required to obtain and hold a
184 current Irrigation Permit.
185 C. A grandfathered turf irrigation system may be replaced partially or entirely within the existing
186 irrigated area, so long as the replacement improves the efficiency of the system.
187 D. A grandfathered turf irrigation system may not expand the area of irrigation beyond that area
188 which was covered by the pre-1997 permit.
189 E. The grandfathered turf irrigation system shall be converted to operation with cisterns pursuant
190 to the rules of new turf systems under the following circumstances:
191 1. If the house on the property is reconstructed, as defined in Chapter 129; or
192 2. If the property owner allows the irrigation permit to lapse for more than two years.

193
194 §82-7 New Turf irrigation systems

- 195
196 A. An owner may obtain a new turf irrigation system permit from the Building Department only
197 if the system is connected to an underground cistern, with a capacity of at least 8,000 gallons.
198 B. Water sources for new turf irrigation cisterns.
199 1. New turf irrigation cisterns may be filled using:
200 a. Trucked-in water;
201 b. Captured water from impermeable surfaces on the property, but only to the
202 extent the impermeable surfaces used for capture do not exceed 10 percent of the
203 square footage of the property.
204 2. Cisterns may not be filled by hose or well-water.
205 C. Any new turf irrigation system that is filled with captured water from impermeable surfaces
206 must include an overflow valve feeding to a drywell sized to accept excess runoff when the
207 cistern is full, pursuant to calculations submitted by the homeowners architect or engineer.

208 §82-8. Drip Irrigation requirements.

- 209 A. Drip irrigation systems shall only be used for non-turf irrigation, or turf irrigation for areas
210 not exceeding 3,000 s.f.
211 B. All drip irrigation systems shall meet the following minimum requirements:

- 212 1. The drip system shall not emit more than one gallon per hour per emitter/lineal foot
213 with a maximum 1500 emitters; and
214 2. The drip system must be a on a timer; and
215 3. The drip system shall be programmed for no more than one hour for any three day
216 period, per zone; and
217 4. The drip system shall be covered with mulch to reduce evaporation.
218 C. In the Near Shore zone, any drip system with over 250 emitters shall meet the following
219 additional standards:
220 1. Shall be equipped with a master valve, time clock and moisture sensor; and
221 2. Shall be fed only from a cistern as described for turf irrigation systems; and
222 3. Require an irrigation permit as described for turf irrigation systems.

223 § 82-9. Irrigation system operation.

- 224 A. Operation of turf irrigation systems shall be restricted as follows:
225 1. No irrigation system zone shall operate more frequently than every third day and only
226 during the hours between 5:00 p.m. and 9:00 a.m.
227 2. Irrigation zones may be watered for no more than 45 minutes per zone twice a week,
228 within the time specified above.
229 3. Irrigation is allowed to establish new lawns or portions of lawns for a period of 30 days
230 after planting, and may occur between 9:00 a.m and 5:00 p.m.to allow the seed to
231 germinate.
232 4. Irrigation is allowed to establish new plantings for a period of 150 days, only between
233 5:00 p.m. and 9:00 a.m.
234 B. Operation of Drip Irrigation Systems shall be as follows:
235 1. No more than one hour per three day period per zone.
236 C. To the extent possible, water delivery trucks should park off the roadway when filling
237 cisterns.

238 § 82-10. Exemptions.

- 239 A. All the exemptions below are subject to being suspended during a water emergency declared
240 by the Town Board.
241 B. This chapter is applicable to all property in the Town of Shelter Island, excluding property
242 within the Village of Dering Harbor.
243 C. Golf course tees and greens, irrigated fairways existing as of 2003 shall be exempt from the
244 requirements of this chapter.
245 D. Land used in agricultural production, shall be exempt from the requirements of this chapter
246 E. Nurseries and garden centers are exempt from the requirements of this chapter except that
247 they may not irrigate their stock between 10am and 3pm.
248 F. Hand watering systems shall be exempt from the requirements of this chapter.
249 G. Although use of soaker hose is highly discouraged, use of up to 50 feet of soaker hose is
250 exempt from these regulations.

251 § 82-11. Enforcement; penalties for offenses.

252 A. It shall be the duty of the Building Inspector to administer and the duty of the Building
253 Inspector and the Shelter Island Police Department to enforce the provisions of this chapter.

254 B. Notice; penalties.

255 1. Whenever the Building Inspector or the Police Department has reasonable grounds to
256 believe that any irrigation system regulated under this chapter is being operated on any
257 real property in violation thereof, he or the Police Department shall either notify the
258 owner/user of such real property in writing, by delivering such notice personally or by
259 posting such notice in a conspicuous place on any structure on the premises and sending a
260 copy of the same by registered mail to the address appearing on the real property tax roll
261 or the resident contact person; or shall serve a summons personally upon said owner
262 and/or user.

263 2. An offense against any provision of this chapter shall be deemed a violation under the
264 Penal Law of the State of New York, punishable by a fine not to exceed \$1,000 and/or
265 five days in jail and revocation of any permit issued hereunder. Each day such violation
266 continues shall be deemed a separate violation.

267 3. The irrigation permit may be suspended or revoked as stated in 82-5.

268 § 82-12. Emergency rules authorized.

269 Whenever the Town Board shall determine that emergency conditions exist, potentially creating
270 a shortage of the normal water supply either throughout the Town or in any particular area, the
271 Town Board may prescribe rules for the future regulation and restriction of the use of irrigation
272 systems and other consumptive water uses, and such rules shall have the force and effect of a
273 local law duly adopted.

274 § 82-13. Severability.

275 In the event that any portion of this chapter is found by a court of competent jurisdiction to be
276 invalid, such decision shall not affect the validity of the remaining portions of this chapter.