

**TOWN OF SANFORD
LOCAL LAW NO. ___ OF THE YEAR 2025**

**A LOCAL LAW REGULATING THE OPERATION OF
LAKEFRONT DE-ICING SYSTEMS IN THE SPECIAL AND
LAKE PROTECTION OVERLAY ZONING DISTRICTS**

BE IT ENACTED by the Town Board of the Town of Sanford, as follows:

Section 1. Title

This Local Law shall be known as the Town of Sanford Lakefront De-Icing Systems Local Law.

Section 2. Purpose and Intent.

It is the intent of this chapter to regulate the installation and use of de-icing systems on lakefront properties within Special and Lake Protection Overlay Districts of the Town of Sanford for the purpose of safeguarding public and environmental health, welfare and safety during periods of the year in which ice accumulates on waterbodies located within the Town.

Section 3. Authority.

This Local Law is enacted pursuant to Section 10 (1) (ii) (a) (12) of the Municipal Home Rule Law, which authorizes the Town to pass local laws for the protection, order, conduct, safety, health and well-being of persons or property therein.

Section 4. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

AFFECTED AREA OF ICE: The area of the water body or ice surface disturbed by the operation of a de-icing system. Indicia of Affected Areas of Ice include, but are not limited to, open water, weakened ice (excessively cracked), thin ice (less than four inches in depth), and areas where adjacent ice is covered by a film of water.

AGITATOR DE-ICING SYSTEM: Any submersible, motorized, propeller-driven de-icing device or combination of devices that prevents ice buildup by agitating/circulating warmer water from the lake bottom to the water's surface.

BUBBLER DE-ICING SYSTEM: Any de-icing system that prevents ice buildup by utilizing one or more air compressors or regenerative blowers, which blow air into submersible diffusers or perforated diffuser lines that emit a stream of air bubbles, thereby circulating warmer water from the lake bottom to the water's surface.

DE-ICING SYSTEM: One or more mechanical devices designed to slow or prevent the formation of ice in or around lakefront structures. Said devices, commonly known as "ice eaters", "bubblers" and the like, prevent the formation of ice by adding, among other things, pumped air,

artificial water turbulence or heat to the water body.

NORMAL OPERATING CONDITIONS: The average winter conditions to be utilized in the design or operation of a de-icing system and to be utilized in gauging compliance with the terms of this Local Law. "Normal Operating Conditions" exist when an average of four or more inches of ice accumulates on the applicable water body. Such term excludes any time period during which (a) the average daily temperature exceeds 35° F for three or more consecutive days; or (b) daily rainfall exceeds 1/2 inch per day for three or more consecutive days. It shall be a defense to any enforcement action pursuant to this Local Law that normal operating conditions did not exist on the day cited in any notice of violation. The burden shall be on the owner/operator of the de-icing system to establish said defense.

OWNER or OPERATOR: The record owner of real property on which a de-icing system is utilized and/or any person occupying said property at the time of any notice of violation.

PERSON: Any individual, formal or informal association of individuals, corporation, partnership or other business entity.

PROTECTED STRUCTURE: Any permanent lakefront or on-lake structures which a de-icing system is designed to protect. Such protected structures include but are not limited to permanent docks, piers, bulkheads, catwalks, seawalls and boathouses. All temporary lakefront or on-lake structures, equipment and watercraft, such as docks, boats and boat lifts are expressly excluded from this definition.

Section 5. Agitator De-Icing Systems Prohibited.

The installation and operation of agitator de-icing systems in the Special and Lake Protection Overlay Districts is hereby prohibited, due to various negative impacts on health, safety and the environment that such de-icing systems create. Such impacts include destabilization of lake ice for great distances beyond the intended de-icing area, and a higher likelihood of lake bottom disturbance, which releases nutrients from the lake bottom, thereby exacerbating the proliferation of harmful weeds and algal blooms.

Section 6. Operation requirements.

- A. All de-icing systems shall be marked with a conspicuous sign placed along the shore or on the protected structure stating, "Danger, Thin Ice." Such sign shall be a minimum of two feet by three feet in size and shall feature letters of a minimum height of three inches and colors in such a way as to be clearly visible on the ice from a distance of no less than 100 feet.
- B. All de-icing systems shall be controlled by a thermostat, which automatically shuts off the system when the outdoor temperatures reach 35 degrees Fahrenheit or above.
- C. Under normal operating conditions, the affected area of ice created by the de-icing system shall not extend into the waterbody more than 10 feet beyond the protected structure.
- D. Under normal operating conditions, the affected area of ice shall not extend more than 10 feet, measured along the shoreline, from the protected structure.

- E. Notwithstanding the limitations in subsections C. and D. above, in no event shall the affected area of ice, under normal operating conditions, encroach beyond the owner or operator's side yard property lines, as if said property lines were extended into the waterbody. Said requirement may be waived by the Town of Sanford Code Enforcement Officer if the owner and/or operator of the de-icing system obtains and submits written permission from the abutting property owner(s).
- F. Prior to the installation of any de-icing system authorized by this local law, the owner of such property must apply to the Town Code Enforcement Officer for a de-icing system permit, the fee for which shall be set by resolution of the Town Board and may be amended from time to time. Under no circumstances shall such a permit be granted unless the owner presents proof that the proposed de-icing system is authorized by this local law, and that a protected structure exists on the property that a de-icing system is designed to protect.

Section 7. Enforcement; violations and penalties.

- A. The Town of Sanford Code Enforcement Officer is hereby designated as the Town official responsible for the enforcement of this Local Law. Upon receipt of a complaint that a de-icing system is being operated in violation of this Local Law, the Code Enforcement Officer shall promptly investigate the complaint. If the complaint is founded, the Code Enforcement Officer shall issue a Notice and Order to Remedy Violations in accordance with all applicable state and local laws. If the violation is not remedied within 30 days of the issuance of said notice, the Code Enforcement Officer shall have the authority to issue an appearance ticket to the owner and/or operator and commence an enforcement action in Town Justice Court against the same.
- B. A violation of this Local Law, including shall be punishable by a fine not to exceed \$50 for the first offense, \$100 for the second offense and \$250 for the third and subsequent offenses. Each day that a violation of this local law continues shall be deemed a separate offense.

Section 8. Remedy not exclusive.

The enforcement remedy described in Section 6 of this Local Law shall in no way limit or prevent the Town from seeking any alternative or additional remedies at law or in equity to enforce the provisions of this Local Law, including, but not limited to, commencing an action for injunctive relief in a court of competent jurisdiction.

Section 9. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Sanford hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 10. Effective date

This local law shall become effective upon filing with the New York Department of State.