§ 24-0501. Local freshwater wetlands protection procedures.

1. On or after September 1, 1975, each local government may adopt, amend, and implement a freshwater wetlands protection law or ordinance in accordance with this article to be applicable to all freshwater wetlands wholly or partially within its jurisdiction. No freshwater wetlands protection law or ordinance adopted by a county pursuant to this section shall be applicable within the boundaries of any city, town or village which has adopted and is implementing a local freshwater wetlands protection law or ordinance consistent with this article.

2. Said freshwater wetlands protection law or ordinance may be in such form and with such procedures prescribed as may be determined by the local government adopting the same, or it may set forth the procedures and concepts contained in this article; provided, however, that no local freshwater wetlands protection law or ordinance enacted pursuant to subdivision one hereof shall be less protective of freshwater wetlands or effectiveness of administrative and judicial review, than the procedures set forth in this article, nor shall such local law or ordinance affect the activities exempted from permit by section 24-0701 of title seven hereof.

3. Adoption by a local government, pursuant to this article, of a local freshwater wetlands protection law or ordinance by reference to the procedures and concepts set forth herein shall be sufficient if reference is made to the procedures and concepts of this article with exceptions, additions, and modifications thereto noted; and the adoption, once effected, shall include subsequent statutory amendments to this article as aforesaid; subject, again, to exception, addition, or modification by such municipality, without time limitation. At any time after a local adoption of the procedures contained in this article, a local government subject to this section may rescind its adoption thereof and simultaneously adopt a local freshwater wetlands protection procedure in accordance with subdivisions one and two of this section.

4. Within thirty days after the adoption of a freshwater wetlands protection law or ordinance pursuant to this article, the local

government shall notify the department thereof, under such terms and conditions as the department may prescribe, together with its technical and administrative capacity to administer the act. Failure of a local government to give such notice shall constitute a transfer of function pursuant to this subdivision and section 24-0503 of this article.

5. A local government or the department shall have the right, in its regulation of freshwater wetlands within its jurisdiction, to charge such fees and expenses to an applicant for official action as shall enable it to recover the costs incurred by reason of such application.

6. Any local government which defaults or transfers its authority pursuant to subdivision four of this section or section 24-0503 of this article, may recover such authority at any time by adopting a local freshwater wetland protection local law or ordinance consistent with this article and notifying the county and the department of the adoption. Such notice shall be given by certified mail within ten days of the adoption thereof. Such local law or ordinance shall not become effective in less than sixty nor more than one hundred days from the adoption thereof.

7. The technical services of the department shall be made available to municipalities, on a fee basis, in the implementation of the procedure herein set forth.