§ 34-0106. County regulation of coastal erosion hazard areas.

1. If a city, other than a city which wholly includes one or more counties, a town or village fails to submit an erosion hazard area ordinance or local law to the commissioner within the time specified in subdivision one of section 34-0105 of this article, as such time may be extended by the commissioner under subdivision three of such section or if an ordinance or local law has been disapproved pursuant to subdivision two of such section, the commissioner shall notify the clerk of the legislative body of the county in which such city, town or village is located. Within six months from receipt of such notification, such county shall submit to the commissioner a county erosion hazard area local law meeting the criteria specified in subdivision one of section 34-0105 of this article, applicable to the erosion hazard area of such city, town or village. Notwithstanding any other provisions of law, whether general or special, or any provision of local law or ordinance, to carry out the purposes of this section, counties shall, within the erosion hazard area subject to such county local law, be deemed to possess the same implementation powers as could be exercised by the city, town or village within which the erosion hazard area is situated. The commissioner shall provide whatever technical assistance he may deem necessary for preparation of a local law pursuant to this section.

2. Such county erosion hazard area local law shall be subject to public notification and review and, be submitted to the commissioner for approval as to its consistency with the minimum standards promulgated pursuant to section 34-0108 of this article; the commissioner shall act to approve or disapprove such local law within thirty working days of its receipt. If the commissioner disapproves the local law, he shall notify the county legislative body in writing of the reasons for such disapproval or modification necessary for approval. The commissioner shall issue findings as part of his decision.

3. In case of disapproval of a county erosion hazard area local law under subdivision two of this section, the commissioner at his discretion may extend the six month period for adoption of such local

law for a reasonable time period not to exceed an additional six months, during which time, the county may adopt and re-submit a new or modified county erosion hazard area local law to the commissioner for approval as provided in subdivision two of this section.

4. Prior to the adoption of any amendment to an approved county erosion hazard area local law, the county shall notify the commissioner, who shall within fifteen days after receipt of such notification advise the county whether such amendment relates to the minimum standards promulgated pursuant to section 34-0108 of this article. Any amendment to such local law that relates to such minimum standards shall be subject to approval by the commissioner as provided in subdivision two of this section.

5. Nothing in this section shall be construed to prohibit any city, town or village from adopting and enforcing any ordinances or local laws, or exercising any other lawful powers within any area governed by an approved county erosion hazard area local law; provided, however, that to the extent of any inconsistency between a city, town or village ordinance or local law and an approved county erosion hazard area local law, the latter shall apply.

6. In any city, town or village where there is in effect a county erosion hazard area local law adopted pursuant to this section, nothing herein shall be construed as preventing such city, town or village from submitting, at any time, an erosion hazard area ordinance or local law to the commissioner for approval pursuant to section 34-0105 of this article. If such ordinance or local law is approved by the commissioner, he shall immediately notify the affected county, and the county local law shall cease to apply to the affected erosion hazard area from the date of receipt by the county of such notification.

7. (a) If approval of a city (other than a city which wholly includes one or more counties), town or village erosion hazard area ordinance or local law is revoked by the commissioner pursuant to subdivision four of section 34-0105 of this article, the commissioner may designate the county in which such city, town or village is located to administer and

enforce such city, town or village ordinance or local law so as to insure compliance of activities or development in the affected erosion hazard area with the minimum standards promulgated pursuant to section 34-0108 of this article. Such county shall be deemed to possess all administrative and enforcement powers included in such city, town or village ordinance or local law.

(b) The commissioner shall reinstate approval of the city, town or village ordinance or local law when the commissioner is satisfied that the city, town or village will carry out the purposes and policies of this article, at which time administration and enforcement by the county pursuant to this subdivision shall cease, and the city, town or village shall administer and enforce such ordinance or local law.

8. The commissioner shall revoke his approval of a county erosion hazard area local law, or shall revoke his designation pursuant to subdivision six of this section of a county to administer and enforce a city, town or village ordinance or local law, if he determines, after notice and hearing relative thereto, that the affected county has failed to administer or enforce such ordinance or local law to adequately carry out the purposes and policies of this article. In the event of such revocation, the provisions of subdivision three of section 34-0107 of this article shall apply.

9. Where an application is made for any permit, variance or other form of approval required pursuant to any local law enacted and approved by the commissioner pursuant to this section, for any activity or development within a designated erosion hazard area, the county to which such application is made shall ascertain what, if any, other permit, variance or hearing procedures or applications are required with regard to such activity or development by any governing body of the state or its subdivisions pursuant to any federal, state or local law or ordinance. Such county, at the request of the applicant, shall consolidate and coordinate said application, permit, variance and hearing procedures, as required by each such governing authority, into a single, comprehensive hearing and review procedure with regard to such activity or development. However, nothing contained in this section shall be deemed to limit or restrict the state, its subdivisions, or any

other governing authorities, which are properly a party to such consolidated review proceeding, from the independent exercise of such discretionary authority with respect to the issuance, denial or modification of such permits, variances or other forms of approval as they may have been granted by law.