

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Schuyler

Local Law No. 5 of the year 2012

A local law to Prevent the the Spread of Aquatic Invasive Species in Schuyler County
(Insert Title)

Be it enacted by the Schuyler County Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Schuyler as follows:

Be it enacted by the Legislature of the County of Schuyler as follows:

SECTION 1. Title. This Local Law shall be known and may be cited as "A Local Law in Relation to Preventing the Spread of Aquatic Invasive Species in Schuyler County."

SECTION 2. Legislative Intent. The Schuyler County Legislature hereby finds and determines that aquatic invasive species can displace native species and alter natural ecosystems, and cause negative environmental and economic impacts such as that presently occurring with regard to the Hydrilla infestation in the Cayuga Lake Inlet in Tompkins County. Ultimately, residents and visitors to Schuyler County alike are negatively impacted by the decline of water bodies subjected to aquatic invasive species. It is the intent of this law to protect the ecology of water bodies wholly or partially located and/or accessed in Schuyler County by preventing the introduction of any aquatic invasive species and therefore helping to protect the environment and economy of Schuyler County.

SECTION 3. Definitions. As used in this law, the following terms shall have the following meanings;

(a) "Aquatic Invasive species" mean with respect to waters located and/or accessed in Schuyler County, any aquatic species, including its eggs, spores or other biological material capable of propagating or reproducing that species, that are not natural to said waters located or accessed in Schuyler County, including all of its cultivars and varieties, whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species, as that term is used herein, includes but is not limited to Hydrilla, Asian clam (*Corbicula fluminea*), Eurasian water, and milfoil and zebra mussels.

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(If additional space is needed, attach pages the same size as this sheet, and number each.)

SCHUYLER COUNTY

ATTORNEY

- (b) "Person" means any individual, governmental entity, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent, or employee thereof.
- (c) "Launch" mean to place a watercraft into a waterbody for any purpose and any activity that takes place within fifty feet of the high-water mark of the waterbody for the purpose of placing a watercraft into a water body, including moving by trailer or other device or carrying by hand a watercraft towards a waterbody, or entering a queue prior to launching.
- (d) "Waterbody" means the same as "waters."
- (e) "Waters" mean lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuarites, marshes, inlets, canals, Seneca Lake within the territorial limits of the County of Schuyler , and all other bodies of surface or underground water, natural or artificial, inlands, fresh, public or private, which are wholly or partially within or bordering the County or within its jurisdiction.
- (f) "Watercraft" means every motorized or non-motorized boat or vehicle capable of being used or operated as a means of transportation in or on water.

SECTION 4. Prohibitions (Unlawful Activities). It shall be unlawful for any person to:

- (a.) Launch or attempt to launch in Schuyler County a watercraft into a waterbody with any aquatic invasive species or other plant or animal, or parts thereof, visible to the human eye in, on or attached to any part of the watercraft, including in live wells and bilges; the motor, rudder, anchor or other appurtenants; any equipment or gear; or the trailer or any other device used to transport or launch a watercraft that may come into contact with the water;
- (b.) To enter a public highway in Schuyler County after leaving a launch site without first removing by hand any aquatic invasive species or other plant or animal, or parts thereof, visible to the human eye in, on, or attached to any part of the watercraft, including in live wells and bilges; the motor, rudder, anchor or other appurtenants; any equipment or gear; or the trailer or any other device used to transport or launch a watercraft that may come into contact with the water;
- (c.) Removed items must be discarded away from the shoreline, in such a manner as to prevent the removed items from re-entering the waterbody;
- (d.) Introduce, throw, dump, deposit, place or cause to be propagated, transplanted, introduced, thrown, dumped, deposited or placed in any water body, in whatever capacity and for whatever purpose while in Schuyler County, an aquatic invasive species.

SECTION 5. Exception to Prohibitions. The provisions of SECTION 4 of this Local Law shall not apply to:

- (a.) The carrying and use of bait for the purpose of fishing, consistent with all applicable laws and regulations related to bait fish;
- (b.) The use of the above-water portions of native plants for camouflage of the watercraft for the purpose of hunting, consistent with all applicable laws and regulations related to the use, possession and harvesting of plants;
- (c.) Pets or hunting dogs;
- (d.) The intentional transport of plants or animals, including for food and landscaping, provided they are fully and securely contained within or on board the watercraft; and
- (e.) The use of plants or animals for habitat restoration, weed control, scientific research, aquaculture, or other activity, consistent with all applicable laws and regulations related to their use, possession or harvest.

SECTION 6. Penalty for Violation. Any person who engages in any activity prohibited by this Local Law shall be guilty of a violation. Every person convicted of a violation of this Local Law shall be punished by a fine of a minimum of Five Hundred Dollars (\$500) and a maximum of Five Thousand Dollars (\$5000) or imprisonment not to exceed fifteen (15) days or both said fine and imprisonment.

SECTION 7. Enforcement. This Local Law shall be enforced by the Schuyler County Sheriff in the same manner as a traffic violation is handled .i.e. through the use of an appearance ticket and procedures similar to that used to enforce the Vehicle and Traffic Law of the State of New York except that the citation may be in a form determined to be adequate and expedient by the Sheriff and approved by the County Administrator.

SECTION 8. Severability. If any section, subdivision, paragraph, sub paragraph, clause, or item of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separated, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 9. This act shall take effect immediately upon filing in the Office of the Secretary of State.

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2012 of the (County)(City)(Town)(Village) of Schuylers was duly passed by the Schuylers County Legislature on July 9, 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (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)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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.

James J. Mack
Deputy Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 7-11-13

(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 Schuyler

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.

Joseph B. Rossi
Signature
County Attorney
Title

County
City of Schuyler
Town
Village

Date: 7-11-13