

# Warren County Board of Supervisors

## RESOLUTION NO. 547 OF 2011

**Resolution introduced by Supervisors Bentley, Thomas, Monroe, Girard, Sokol, McCoy and Wood**

### **CONDUCTING REVIEW UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT AND ENACTING LOCAL LAW NO. 9 OF 2011**

WHEREAS, a proposed local law was duly presented to the Board of Supervisors and considered by them, said proposed local law being entitled, "A Local Law in Relation to Preventing the Spread of Aquatic Invasive Species in Warren County", and

WHEREAS, the Board of Supervisors adopted Resolution No. 508 of 2011 on August 19, 2011, authorizing a public hearing to be held by the Board of Supervisors on the 16<sup>th</sup> day of September, 2011, at the Supervisors' Rooms in the Warren County Municipal Center on the matter of the proposed local law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, and

WHEREAS, a Short Environmental Assessment Form has been presented to this meeting and the Superintendent of the Department of Public Works has reviewed with the Warren County Board of Supervisors the project and has made recommendations concerning whether there would be any adverse affects associated with the adoption of the Local Law concerning prohibitions, exceptions and penalties and enforcement with regard to preventing the introduction of invasive species into waterbodies in or bordering Warren County, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors upon review of Part I of the Environmental Assessment Form and upon the information presented by the Superintendent of the

***RESOLUTION NO. 547 OF 2011***

***PAGE 2 OF 6***

Department of Public Works hereby approves the proposed responses recommended by the Superintendent and discussed at this meeting for Part II, and be it further

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute the Short Environmental Assessment Form referred to hereinabove and indicate thereon that the proposed action will not result in any significant adverse impacts and further attach such additional documentation or information as he may consider necessary as a result of the discussions at this meeting, and be it further

RESOLVED, that the Board of Supervisors of the County of Warren, New York, on this 16<sup>th</sup> day of September, 2011, does hereby enact and adopt Local Law No. 9 of 2011 as set forth in Schedule "A" annexed hereto.

**RESOLUTION No. 547 OF 2011**

**PAGE 3 OF 6**

**SCHEDULE "A"**

**COUNTY OF WARREN**

**LOCAL LAW NO. 9 OF 2011**

**A LOCAL LAW IN RELATION TO PREVENTING THE SPREAD  
OF AQUATIC INVASIVE SPECIES IN WARREN COUNTY**

**BE IT ENACTED** by the Warren County Board of Supervisors of the County of Warren 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 Warren County”.

**SECTION 2. Legislative Intent.** The Warren County Board of Supervisors 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 Asian clam infestation in Lake George. Ultimately, residents and visitors to Warren 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 Warren County by preventing the introduction of any aquatic invasive species and therefore helping to protect the environment and economy of Warren County .

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

(a) "Aquatic Invasive species" means with respect to waters located and/or accessed in Warren County, any aquatic species, including its eggs, spores or other biological

**RESOLUTION NO. 547 OF 2011**

**PAGE 4 OF 6**

material capable of propagating or reproducing that species, that are not natural to said waters located or accessed in Warren 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 Asian clam (*Corbicula fluminea*), Eurasian water, milfoil and zebra mussels.

(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" means 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 waterbody, including moving by trailer or other device or carrying by hand a watercraft toward a waterbody, or entering a queue prior to launching.

(d) "Waterbody" means the same as "waters".

(e) "Waters" means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuarites, marshes, inlets, canals, Lake George within the territorial limits of the County of Warren, and all other bodies of surface or underground water, natural or artificial, inland, 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:

**RESOLUTION NO. 547 OF 2011**

**PAGE 5 OF 6**

(a) launch or attempt to launch in Warren 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 Warren 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 Warren County, an aquatic invasive species.

**SECTION 5. Exceptions 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

**RESOLUTION NO. 547 OF 2011**

**PAGE 6 OF 6**

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 (\$5,000) 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 Warren 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, subparagraph, 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 separate, 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.