

# Warren County Board of Supervisors

## RESOLUTION NO. 172 OF 2013

**Resolution introduced by Supervisors Monroe, Bentley, Montesi, Girard, Sokol, Wood and Frasier**

### **INTRODUCING PROPOSED LOCAL LAW NO. 6 OF 2013 AND AUTHORIZING PUBLIC HEARING THEREON**

RESOLVED, that proposed Local Law No. 6 of 2013 entitled “A Local Law Amending Sections 6 and 7 of Local Law No. 9 of 2011 in Relation to Preventing the Spread of Aquatic Invasive Species in Warren County”, attached hereto and made a part hereof, be, and the same is, introduced before the Warren County Board of Supervisors, and in order to give interested members of the public the opportunity to be heard thereon, the Board of Supervisors shall hold a public hearing at the Supervisors’ Rooms in the Warren County Municipal Center on the 19<sup>th</sup> day of April, 2013, at 10:00 a.m. on the matter of the adoption of said proposed Local Law No. 6 of 2013, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

**COUNTY OF WARREN**

**PROPOSED LOCAL LAW NO. 6 OF 2013**

**A LOCAL LAW AMENDING SECTIONS 6 AND 7 OF LOCAL LAW  
NO. 9 OF 2011 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 A Local Law Amending Sections 6 and 7 of Local Law No. 9 of 2011 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 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

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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, 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 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

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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 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

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punished by a fine of a ~~minimum~~ up to Five Hundred Dollars (\$500) for a first offense and a fine up to One Thousand Dollars (\$1,000) for a second conviction of a violation of this Local Law in a twenty-four (24) month period and a ~~maximum of Five Thousand Dollars (\$5,000)~~ or in each case imprisonment not to exceed fifteen (15) days or both said fine and imprisonment.<sup>1</sup>

**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. and processed. 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.~~ This Local Law may also be enforced by the New York State Department of Environmental Conservation and the New York State Police. This Local Law may also be enforced within the boundaries of the Lake George Park in Warren County by patrolmen of the Lake George Park Commission pursuant to the powers conferred upon such patrolmen under applicable provisions of Environmental Conservation Law Articles 43 and 71.<sup>1</sup>

**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.

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<sup>1</sup> Note: Language which is to be removed is ~~lined out~~; language to be added is underlined

