

# 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. Do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED

AUG 01 2013

County  City  Town  Village  
(Select one:)

of WASHINGTON

MISCELLANEOUS  
& STATE RECORDS

Local Law No. 7 of the year 2013

A local law in relation to preventing the spread of aquatic invasive species in Washington County  
(Insert Title)

Be it enacted by the BOARD OF SUPERVISORS of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of WASHINGTON as follows:

SEE LOCAL LAW TEXT ATTACHED HERETO

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

(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. 7 of 2013 of the (County)(City)(Town)(Village) of WASHINGTON was duly passed by the BOARD OF SUPERVISORS on July 19, 2013, 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 \_\_\_\_\_ 20\_\_\_\_, 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.

*Hebra R. Pichoda*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

*July 30, 2013*

(Seal)

LOCAL LAW NO. 7 OF 2013  
COUNTY OF WASHINGTON, NEW YORK

By Supervisors Campbell, Brown, Shay, Lindsay, Suprenant, Idleman, Hicks, Banks, Haff, LaPointe

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

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

**SECTION 2.** Legislative Intent. The Washington 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 Washington 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 Washington County by preventing the introduction of any aquatic invasive species and therefore helping to protect the environment and economy of Washington 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 Washington 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 Washington 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 (*Curricula flumina*), 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, estuaries, marshes, inlets, canals, Lake George within the territorial limits of the County of Washington, 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:

(a) launch or attempt to launch in Washington 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 appurtenant equipment; 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 Washington 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 appurtenant equipment; 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 Washington 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 punished by a fine of up to Five Hundred Dollars (\$500) for a first offense and a fine of up to One Thousand Dollars (\$1,000) for a second conviction of a violation of this local law or in each case imprisonment not to exceed fifteen (15) days or both said fine and imprisonment.

**SECTION 7. Enforcement.** This Local Law shall be enforced by the Washington

County Sheriff in the same manner as a traffic violation is handled and processed. 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 Washington 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.

**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.

Resolution No. 186 July 19, 2013  
By Supervisors Idleman, Brown, Lindsay, Campbell, Armstrong

TITLE: Conducting Review Under the New York State Environmental Quality Review Act and Enacting Local Law No. "A" of 2013

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 Washington County", and

WHEREAS, the Board of Supervisors adopted Resolution No. 111 of 2013 on April 19, 2013, authorizing a public hearing to be held by the Board of Supervisors on the 17<sup>th</sup> day of May, 2013 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 reviewed by the Board of Supervisors; now therefore be it

RESOLVED, that the Washington County Board of Supervisors upon review of Part I of the Environmental Assessment Form hereby approves the proposed responses as reviewed 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 herein above 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 review at this meeting; and be it further

RESOLVED, that the Board of Supervisors of the County of Washington, New York, on this 19<sup>th</sup> day of July, 2013, does hereby enact and adopt Local Law No. "A" of 2013.

BUDGET IMPACT STATEMENT: No commitment has been made by the County at this time.

STATE OF NEW YORK )  
County of Washington) ss.:

This is to certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Washington have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the Board of Supervisors of said County on the 19th day of July, 2013, a majority of all the members elected to the Board voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the Board of Supervisors, this 22nd day of July, 2013.

Debra R. Prekoda

Clerk of the Board of Supervisors