

## **LOCAL LAW #2 OF THE YEAR 2009**

NEW YORK STATE DEPARTMENT OF STATE 41 STATE STREET ALBANY, NY 12231

(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 of - Town - Village

SANTA CLARA Local Law No. 2 of the year 2009

A local law to prevent the introduction and spread of aquatic invasive species into and within the (Insert Title) waters of the Town of Santa Clara, to be known as "The Town of Santa Clara Aquatic Invasive Species Prevention Law"

Be it enacted by the Town Board (Name of legislative Body) of the

County or City of ~ Town

Village

Town of Santa Clara as follows:

### ARTICLE A: INTRODUCTION

#### Section 1. Authority

This local law is adopted pursuant to the authority granted to the municipality in Section 10 (1) (ii) (a) (11) of the Municipal Home Rule Law of the State of New York.

#### Section 2. Title

This local law shall be known as "The Town of Santa Clara Aquatic Invasive Species Prevention Law."

#### Section 3. Purpose.

The purpose of this local law is to prevent the introduction and spread of aquatic invasive species into and within the waters of the Town of Santa Clara, and to thereby protect aquatic native species populations, biodiversity and aquatic recreational activities for the public good.

#### Section 4. Applicability

The provisions of this law shall apply in addition to the provisions of any other local law or ordinance adopted by the municipality. Where there is a conflict the more restrictive provision shall apply. (If additional space is needed, attach pages the same size as this sheet, and number each.)

#### Section 5. Definitions

For the purposes of this local law, the following terms shall have the following meanings:

1. "Aquatic animals" shall mean an animal that spends part of its life in water, including, but not limited to, freshwater, estuarine and wetland species.
2. "Aquatic plants" shall mean plants living in the water or at the shoreline, and includes roots,

rhizomes, stems, leaves or seeds; including freshwater, estuarine and wetland species.

3. "Boater" shall mean the operator of the boat or towing vehicle.

4. "Invasive species" shall mean any species listed by the NYS DEC as being invasive to the waters of New York State. Such species include, but are not limited to, Eurasian water milfoil (*Myriophyllum spicatum*), variable leafmilfoil (*Myriophyllum heterophyllum*), water chestnut (*Fragaria natans*), curly-leaf pondweed (*Potamogeton crispus*), Brazilian waterweed (*Egeria densa*), zebra mussels (*Dreissena polymorpha*) and round goby (*Neogobius melanostomus*)

5. "Standing water" shall mean bilge water and other water inside boat compartments that could easily be removed by pump or hand.

6. "Water body" shall mean any freshwater or estuarine lake, river, pond, stream or wetland existing in the state, whether publicly or privately owned, including the banks and shores thereof.

#### ARTICLE B: PROHIBITED ACTS

No watercraft or trailer shall enter or exit a water body of the Town unless the boater removes all aquatic plants and/or animals from inside and outside of his/her vehicle, watercraft, trailer or any other equipment that had previously come into contact with any water body. The boater must also remove any standing water that is visible to the unaided eye from the boat and trailer before he/she enters a water body. Removed items must be discarded away from the shoreline.

Exceptions:

- 1) Those persons with a permit to do such activities.
- 2) Those persons who have legally purchased bait or harvested fish.
- 3) Those persons who have legally taken waterfowl.

#### ARTICLE C: PENALTY FOR NONCOMPLIANCE

Any person who violates this local law is guilty of a criminal violation, punishable with a maximum fine of two hundred fifty dollars.

#### ARTICLE D: ADMINISTRATION AND ENFORCEMENT

##### Section I. Complaints

Any person may file a complaint with any state, county or local law enforcement officer having jurisdiction that a violation of this law may have taken place.

##### Section 2. Enforcement

This law may be enforced by the Franklin County Sheriffs Department or any other law enforcement officer having jurisdiction.

#### ARTICLE E: ENACTMENT

This local law shall become effective upon its being filed with the New York State Department of State.