

Town of Brighton, Franklin County, New York

Local Law No. 1 for the year 2011

A local law entitled "Town of Brighton Aquatic Invasive Species Prevention Law"

Be it enacted by the Town Board of the Town of Brighton, Franklin County, New York as follows:

ARTICLE A: INTRODUCTION

Section 1. Authority

This local law is adopted pursuant to the authority in Section 10 of the Municipal Home Rule Law and in Section 130(6) of the Town Law.

Section 2. Title

The local law shall be know as "The Town of Brighton 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 Brighton 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 provisions shall apply.

Section 5. Definitions

For the purpose 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 wetlands 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, paddler or rower of a boat or towing vehicle or any other form of watercraft.
4. "Invasive species" shall mean any species regarded by the New York State Department of Environmental Conservation as being invasive to the waters of New York. Such species shall include, but not be limited to Eurasian watermilfoil (*Myriophyllum spicatum*), variable leaf milfoil (*Myriophyllum heterophyllum*), water chestnut (*Trapa natans*), curly-leafed pondweed (*Potamogeton crispus*), Brazilian waterweed (*Egeria densa*), zebra mussels (*Dreissna polymorpha*), and round goby (*Negobis 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 owed, including the banks and shores thereof.

## ARTICLE B: PROHIBITED ACTS

### Section 1

[a] 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 his/her vehicle, watercraft, trailer or any other equipment that had previously come in 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 they enter a Water body. Removed items must be discarded on land distant from the shoreline so that they cannot re-enter the Water body.

Exceptions from discarding:

1. Those persons who have a license to remove invasive species
2. Legally purchased bait or harvested fish.
3. Legally taken waterfowl

[b] No person shall plant, transplant or introduce Invasive species in, on or around the shorelines of any Water body in the town of Brighton.

## ARTICLE C: PENALTY FOR NONCOMPLIANCE

Any person who violates this local law is subject to a fine of up to five hundred dollars (\$500). The town of Brighton may enforce this provision through civil proceedings in any court of competent jurisdiction.

## ARTICLE D: ADMINISTRATION AND ENFORCEMENT

### Section 1. Complaints

Any person may file a complaint with any state, county or local law enforcement officer having jurisdiction.

### Section 2. Enforcement

This law may be enforced by the town of Brighton through its Code Enforcement Officer or by any other law enforcement officer having jurisdiction.

## ARTICLE E: ENACTMENT

This law shall become effective upon written notice of filing with the New York State Department of State

Filed on June 27, 2011