Intro. Res. No. 1827-2010 Laid on Table 8/3/2010
Introduced by Legislators Viloria-Fisher, Schneiderman and Losquadro

RESOLUTION NO. 866 -2010, ADOPTING LOCAL LAW NO. 51 -2010, A LOCAL LAW ADDING NEW INVASIVE NON-NATIVE PLANT SPECIES TO THE COUNTY'S DO NOT SELL LIST

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 3, 2010, a proposed local law entitled, "**A LOCAL LAW ADDING NEW INVASIVE NON-NATIVE PLANT SPECIES TO THE COUNTY'S DO NOT SELL LIST**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 51 -2010, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW ADDING NEW INVASIVE NON-NATIVE PLANT SPECIES TO THE COUNTY'S DO NOT SELL LIST

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Article II of Chapter 278A of the SUFFOLK COUNTY CODE regulates the sale, introduction and propagation of invasive non-native plant species in Suffolk County to protect our environment.

This Legislature also finds and determines that, as new invasive plant species develop and enter the market, the "Do Not Sell" list of plants in Suffolk County must be updated.

This Legislature further finds and determines that updating the "Do Not Sell" list helps keep Suffolk County's environment robust and healthy and protect it from further damage.

Therefore, the purpose of this law is to update current prohibitions on the sale of invasive non-native plant species to protect Suffolk County's ecology.

Section 2. Amendments.

Exhibits "A", "B", "C", "D", "E" and "F" of Chapter 278A, Article II, of the SUFFOLK COUNTY CODE are replaced and superseded by the Exhibits "A", "B", "C", "D", "E" and "F", attached hereto.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: September 16, 2010

APPROVED BY:

County Executive of Suffolk County

Date: OCT 14 2010

After a public hearing duly held on October 4, 2010
Filed with the Secretary of State on October 28, 2010

EXHIBIT "A"

Scientific Name	Common Name
Alliaria petiolata	Garlic mustard
Ameplopsis brevipedunculata	Porcelain berry
Anthriscus sylvestris	Wild chervil
Aralia elata	Japanese angelica tree
Artemisia vulgaris	Mugwort, Common woodworm
Cambomba caroliniana	Carolina fanwort
Cardamine impatiens	Narrowleaf bittercress
Celastrus orbiculatus	Oriental bittersweet
Centaurea stoebe ssp. Micranthos s.l. (AKA C. biebersteinii, C. diffusa, C. maculosa misapplied, C. xpsammogena)	Spotted knapweed, Spotted star-thistle
Cirsium arvense (AKA C. setosum, C. incanum, Carduus arvensis, Serratula arvensis)	Canada thistle
Cynanchum louiseae (AKA C. nigrum, Vincetoxicum nigrum)	Black swallow-wort
Cynanchum rossicum (AKA C. medium, Vincetoxicum medium, V. rossicum)	European swallow-wort, Pale swallow-wort, Dog strangling vine
Egeria densa	Brazilian waterweed
Elaeagnus umbellata	Autumn olive
Euphorbia cyparissias	Cypress spurge
Euphorbia esula	Leafy spurge
Fallopia japonica/sachalinensis/xbohemica (AKA Polygonum cuspidatum/sachalinense/ xboehmicum)	Japanese knotweed, Giant knotweed
Heracleum mantegazzianum	Giant hogweed
Humulus japonicus	Japanese hops
Hydrilla verticillata	Water thyme
Hydrocharis morsus-ranae	Frogbit
Lepidium latifolium	Broadleaf pepperweed
Lespedeza cuneata	Chinese lespedeza
Ligustrum obtusifolium	Border privet
Ludwigia grandiflora	Uruguayan primrose willow
Ludwigia peploides	Floating primrose willow
Lythrum salicaria	Purple loosestrife
Microstegium vimineum	Japanese stilt grass
Myriophyllum aquaticum	Parrot-feather
Myriophyllum spicatum	Eurasian water-milfoil
Nymphoides peltata	Yellow floating heart
Persicaria perfoliata (AKA Polygonum perfoliatum)	Mile a minute weed
Phalaris arundinacea (Eurasian genotype)	Reed canary-grass
Phragmites australis subsp. australis	Common reed grass (non-native genotype)
Potamogeton crispus	Curly pondweed
Pueraria montana var. lobata	Kudzu
Ranunculus ficaria	Lesser celandine
Rhamnus cathartica	Common buckthorn
Rosa multiflora	Multiflora rose
Rubus phoenicolasius	Wineberry

Scientific Name	Common Name
Silphium perfoliatium var. perfoliatum	Cup-plant
Trapa natans	Water chestnut
Vitex rotundifolia (AKA V. ovata, V. trifolia)	Beach vitex; Roundleaf chastetree

EXHIBIT "B"

Scientific Name	Common Name
Clematis terniflora	Japanese virgin's bower, Yam-leaf clematis
Lonicera japonica	Japanese honeysuckle
Lonicera maackii	Amur honeysuckle
Lonicera morrowii/tatarica/xbella	Morrow's honeysuckle
Lysimachia nummularia	Moneywort
Lysimachia vulgaris	Garden loosestrife
Myriophyllum heterophyllum (including M. heterophyllum X M. pinnatum)	Broadleaf water-milfoil

EXHIBIT "C"

Scientific Name	Common Name
Iris pseudacorus	Yellow iris
Dioscorea polystachya	Chinese yam, Cinnamon vine
(AKA D. oppositifolia; D. batata)	
Glyceria maxima	Tall glyceria, English watergrass
Arthraxon hispidus	Arthraxon
Brachypodium sylvaticum	[slender] False brome
Dipsacus laciniatus	Cut-leaf teasel
Murdannia keisak	Marsh dewflower, wart-removing herb
Oplismenus hirtellus	[wavy leaf] Basketgrass
Imperata cylindrica, all cultivars except 'Red baron'	Cogon grass

EXHIBIT "D"

Scientific Name	Common Name
Acer platanoides (except cultivars 'crimson king' and 'royal red' which are banned effective 1/1/16, see Exhibit "G")	Norway maple
Acer pseudoplatanus	Sycamore maple
Euonymus fortunei	Winter creeper
Phellodendron amurense/japonicum	Amur cork tree
Rhamnus frangula (AKA Frangula alnus)	Smooth/Glossy buckthorn
Robinia pseudoacacia	Black locust
Salix atrocinerea/cinerea	Gray florist's widow

EXHIBIT "E"

Scientific Name	**Common Name**
Berberis thunbergii (includes all hybrids with other Berberis species)	Japanese barberry

EXHIBIT "F"

Scientific Name	**Common Name**
Acer platanoides cultivars 'Crimson king' and 'Royal red'	Crimson King Norway maple, Royal Red Norway maple
Euonymus alatus	Winged euonymus
Miscanthus sinensis	Chinese silver grass
Imperata cylindrica cultivar 'Red baron'	Cogon grass

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Suffolk County Legislature has passed Introductory Resolution No. 1827 -2010 and presented to me for approval Local Law No. -2010, "A Local Law Adding New Invasive Non-Native Plant Species to the County's Do Not Sell List" which law adds new invasive non-native plant species to Suffolk County's "Do Not Sell" list and removes certain plants from the list that are no longer considered a threat to the County's environment.

NOTICE IS FURTHER GIVEN that the County Executive will hold a public hearing on the aforesaid Local Law at 9:30 a.m., prevailing time, on October 4, 2010 in the H. Lee Dennison Building , Media Room, 100 Veterans Memorial Highway, Hauppauge, New York, at which time all interested persons will be heard.

STEVE LEVY
Suffolk County Executive

DATED: Hauppauge, New York

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on September 16, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1827 Res. No. 866 September 16, 2010

Motion:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	✓				
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING	✓				
4	Thomas MURATORE	✓				
6	Daniel P. LOSQUADRO	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA	✓				
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
14	Wayne R. HORSLEY	✓				
15	DuWayne GREGORY	✓				
16	Steven H. STERN	✓				
17	Lou D'AMARO	✓				
18	Jon COOPER	✓				
5	Vivian VILORIA-FISHER, D.P.O.	✓				
8	William J. LINDSAY, P.O.	✓				
	Totals	18				

MOTION
X Approve
___ Table:
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule
___ Override Veto
___ Close
___ Recess
APPROVED X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature