

**RESOLUTION NO. 801 -2015, ADOPTING LOCAL LAW
NO. 30 -2015, A LOCAL LAW TO AMEND COUNTY
REGULATION OF NONNATIVE INVASIVE PLANT SPECIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 28, 2015, a proposed local law entitled, "**A LOCAL LAW TO AMEND COUNTY REGULATION OF NONNATIVE INVASIVE PLANT SPECIES**"; now, therefore be it

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

LOCAL LAW NO. 30 -2015, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AMEND COUNTY REGULATION OF
NONNATIVE INVASIVE PLANT SPECIES**

**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 the County of Suffolk has established regulations on the sale or propagation of nonnative invasive plant species, codified as Article II of Chapter 446 of the SUFFOLK COUNTY CODE.

This Legislature finds that New York State also regulates nonnative invasive species and recently exempted certain cultivars of these plants when the cultivar is sterile or unlikely to establish expanding populations in natural areas.

This Legislature determines that Suffolk County should allow for similar exemptions, as these plants cannot reproduce and spread or do so in a manner unlikely to establish expanding populations in natural areas.

Therefore, the purpose of this law is to amend Chapter 446 of the SUFFOLK COUNTY CODE to allow for the sale of sterile cultivars of invasive plant species and other cultivars unlikely to establish expanding populations in natural areas.

Section 2. Amendments.

Chapter 446 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 446.
ENVIRONMENTAL PROTECTION**

* * * *

**Article II.
Sale or propagation of Invasive Nonnative Plants**

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§ 446-11. Sale or distribution prohibited.

A. No person shall knowingly sell, transport, distribute, propagate or knowingly cause to be sold, transported, distributed or propagated to any person located within the County of Suffolk, or to any person making the purchase from within the County of Suffolk, any invasive species as listed on Exhibit I, Do Not Sell List, as said exhibit may be amended by law from time to time, with the advice of the Water and Land Invasives Advisory Board.

B. This prohibition shall not apply to any invasive species that is exempted by New York State as a cultivar that is sterile or lacks reproductive parts, pursuant to 6 NYCRR 575.8.

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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.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: October 6, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: October 26, 2015

After a public hearing duly held on October 19, 2015
Filed with the Secretary of State on November 4, 2015