

Introduced by: Legislator Denenberg

LOCAL LAW 22 -2009

A LOCAL LAW to amend Title D15 of Chapter 21 of Chapter 272 of the Laws of 1939, constituting the Nassau County Administrative Code, in relation to preventing the spread of invasive species in Nassau County

Passed by the Nassau County Legislature on October 5, 2009

Voting: ayes: 19, nays: 0, abstained: 0

Became a law on October 13, 2009 with the approval of the County Executive.

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Section 21-24.2 of Title D15 of Chapter 21 of Chapter 272 of the Laws of 1939, constituting the Nassau County Administrative Code, is hereby amended to read as follows:

§ 21-24.2. Prohibitions.

(a) No person shall introduce, throw, dump, deposit, place or cause to be propagated, transplanted, introduced, thrown, dumped, deposited or placed in any river, stream, lake, pond, wetland or storm water drain, in whatever capacity and for whatever purpose, the invasive plant species listed in subdivision b of this section.

(b) No person shall knowingly collect, transport, sell, distribute, propagate or transplant any living and viable portion of any plant, or the compost, mulch, soil, or other materials containing seeds or other viable parts of any such plant, included in the Nassau County prohibited invasive plant species list as follows:

<b>Scientific Name</b>	<b>Common Name</b>	<b>Effective Date</b>
Acer platanoides (except cultivars 'crimson king', 'royal red' which are banned effective 1/1/2016)	Norway maple, Crimson king Norway maple, Royal red Norway maple	1/1/2013 (except cultivars 'crimson king', 'royal red' which are banned effective 1/1/2016)
Acer pseudoplatanus	Sycamore maple	1/1/2013
Alliaria petiolata	Garlic mustard	1/1/2009
Ampelopsis brevipedunculata	Porcelain berry	1/1/2009
Anthriscus sylvestris	Wild chervil	1/1/2009
Aralia elata	Japanese angelica tree	1/1/2009
Artemisia vulgaris	Mugwort, common wormwood	1/1/2009
Berberis thunbergii (includes all hybrids with other Berberis species)	Japanese barberry	1/1/2014

FORM APPROVED

*David A. Kupsky*  
THIRTY-THREE MAJORITY COUNSEL

<i>Cabomba caroliniana</i>	<i>Carolina fanwort</i>	1/1/2009
<i>Cardamine impatiens</i>	<i>Narrowleaf bittercress</i>	1/1/2009
<i>Celastrus orbiculatus</i>	<i>Oriental bittersweet</i>	1/1/2009
<i>Centaurea stoebe</i> ssp. <i>micranthos</i> s.l. ( <i>C. biebersteinii</i> , <i>C. diffusa</i> , <i>C. maculosa</i> misapplied, <i>C. xpsammogena</i> )	<i>Spotted knapweed, spotted star-thistle</i>	1/1/2009
<i>Cirsium arvense</i> ( <i>C. setosum</i> , <i>C. incanum</i> , <i>Carduus arvensis</i> , <i>Serratula arvensis</i> )	<i>Canada thistle</i>	1/1/2009
<i>Clematis terniflora</i>	<i>Japanese virgin's bower; yam-leaf clematis</i>	1/1/2011
<i>Cynanchum louiseae</i> ( <i>C. nigrum</i> , <i>Vincetoxicum nigrum</i> )	<i>Black swallow-wort</i>	1/1/2009
<i>Cynanchum rossicum</i> ( <i>C. medium</i> , <i>Vincetoxicum medium</i> , <i>V.rossicum</i> )	<i>European swallow-wort, pale swallow-wort, dog strangling vine</i>	1/1/2009
<i>Egeria densa</i>	<i>Brazilian waterweed</i>	1/1/2009
<i>Elaeagnus umbellata</i>	<i>Autumn olive</i>	1/1/2009
<i>Euonymus alatus</i>	<i>Winged euonymus</i>	1/1/2016
<i>Euonymus fortunei</i>	<i>Spindle-tree</i>	1/1/2013
<i>Euphorbia cyparissias</i>	<i>Cypress spurge</i>	1/1/2009
<i>Euphorbia esula</i>	<i>Leafy spurge</i>	1/1/2009
<i>Fallopia japonica/sachalinensis/xbohemica</i> ( <i>Polygonum cuspidatum/ sachalinense/ xboehmicum</i> )	<i>Japanese knotweed, giant knotweed, silver lace vine</i>	1/1/2009
<i>Froelichia gracilis</i>	<i>Cottonweed</i>	1/1/2009
<i>Heracleum mantegazzianum</i>	<i>Giant hogweed</i>	1/1/2009
<i>Humulus japonicus</i>	<i>Japanese hops</i>	1/1/2009
<i>Hydrilla verticillata</i>	<i>Water thyme</i>	1/1/2009
<i>Hydrocharis morsus-ranae</i>	<i>Frogbit</i>	1/1/2009
<i>Iris pseudacorus</i>	<i>Yellow iris</i>	1/1/2012
<i>Lepidium latifolium</i>	<i>Broadleaf pepperweed</i>	1/1/2009
<i>Lespedeza cuneata</i>	<i>Chinese lespedeza</i>	1/1/2009
<i>Ligustrum obtusifolium</i>	<i>Border privet</i>	1/1/2009
<i>Lonicera japonica</i>	<i>Japanese honeysuckle</i>	1/1/2011
<i>Lonicera maackii</i>	<i>Amur honeysuckle</i>	1/1/2011
<i>Lonicera morrowii/tatarica/xbella</i>	<i>Morrow's honeysuckle</i>	1/1/2011
<i>Ludwigia grandiflora</i>	<i>Uruguayan primrose willow</i>	1/1/2009
<i>Ludwigia peploides</i>	<i>Floating primrose willow</i>	1/1/2009

<i>Lysimachia nummularia</i>	<i>Moneywort</i>	1/1/2011
<i>Lysimachia vulgaris</i>	<i>Garden loosestrife</i>	1/1/2011
<i>Lythrum salicaria</i>	<i>Purple loosestrife</i>	1/1/2009
<i>Microstegium vimineum</i>	<i>Japanese stilt grass</i>	1/1/2009
<i>Myriophyllum aquaticum</i>	<i>Parrot-feather</i>	1/1/2009
<i>Myriophyllum heterophyllum</i> (including <i>M. heterophyllum</i> X <i>M. pinnatum</i> )	<i>Broadleaf water-milfoil</i>	1/1/2011
<i>Myriophyllum spicatum</i>	<i>Eurasian water-milfoil</i>	1/1/2009
<i>Nymphoides peltata</i>	<i>Yellow floating heart</i>	1/1/2009
<i>Persicaria perfoliata</i> ( <i>Polygonum perfoliatum</i> )	<i>Mile a minute weed</i>	1/1/2009
<i>Phalaris arundinacea</i> (Eurasian genotype)	<i>Reed canary-grass</i>	1/1/2009
<i>Phellodendron amurense/japonicum</i>	<i>Amur cork tree</i>	1/1/2013
<i>Phragmites australis</i> subsp. <i>australis</i>	<i>Common reed grass</i>	1/1/2009
<i>Potamogeton crispus</i>	<i>Curly pondweed</i>	1/1/2009
<i>Pueraria montana</i> var. <i>lobata</i>	<i>Kudzu</i>	1/1/2009
<i>Ranunculus ficaria</i>	<i>Lesser celandine</i>	1/1/2009
<i>Rhamnus cathartica</i>	<i>Common buckthorn</i>	1/1/2009
<i>Rhamnus frangula</i> ( <i>Frangula alnus</i> )	<i>Smooth buckthorn</i>	1/1/2013
<i>Robinia pseudoacacia</i>	<i>Black locust</i>	1/1/2013
<i>Rosa multiflora</i>	<i>Multiflora rose</i>	1/1/2009
<i>Rubus phoenicolasius</i>	<i>Wineberry</i>	1/1/2009
<i>Salix atrocinerea/cinerea</i>	<i>Gray florist's willow</i>	1/1/2013
<i>Senecio jacobaea</i>	<i>Tansy ragwort; stinking willie</i>	1/1/2009
<i>Silphium perfoliatum</i> var. <i>perfoliatum</i>	<i>Cup-plant</i>	1/1/2009
<i>Trapa natans</i>	<i>Water chestnut</i>	1/1/2009
<i>Vitex rotundifolia</i> ( <i>V. ovata</i> , <i>V. trifolia</i> )	<i>Beach vitex; roundleaf chastetree</i>	1/1/2009

(c) A cultivar of an invasive species identified in subdivision b may be exempted from prohibited status if:

- (1) its primary means of reproduction is sexual;
- (2) scientific, peer-reviewed criteria verify that such cultivar is effectively 100% male and female sterile;
- (3) it is guaranteed by the producer to be sterile;
- (4) there exists appropriate safeguards to document the identity of the cultivar and source of the cultivar, including tagging individual plants and shipping and nursery invoices; and
- (5) it is deemed appropriate for exemption by the Invasive Species Committee and the Long Island Invasive Species Management Area (LIISMA) Scientific Review Committee (SRC).

Section 2. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency for the proposed action, hereby finds, pursuant to the provisions of Title 6 NYCRR Part 617, the proposed action to be an unlisted action having no significant adverse impacts on the environment for the following reasons: 1) the proposed action will not exceed any of the criteria in Section 617.7 (C) of Title 6 NYCRR which sets forth thresholds for determining significant adverse impacts on the environment; 2) the proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Nassau County Charter and Administrative Code; and 3) the legislation will discourage the spread of non-native aquatic plant and animal species in Nassau County waters which is a beneficial environmental impact.

Section 3. Effective Date.

The prohibition set forth in § 21-24.2(b) as amended herein shall take effect on the date specified for each species identified therein.

**APPROVED**

*Marilyn Gottlieb*

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**County Executive**

**DATE** \_\_\_\_\_

*10/13/09*