

# TOWN OF COPAKE

## LOCAL LAW NO. 5 OF THE YEAR 2023

### A LOCAL LAW TO AUTHORIZE THE ISSUANCE OF WAIVERS TO PERMIT OPERATION OF GASOLINE/FUEL-POWERED MOTORS AND MOTOR BOATS ON UPPER RHODA POND IN CONNECTION WITH BONA FIDE ENVIRONMENTAL REMEDIATION AND INVASIVE SPECIES CONTROL PROGRAM ACTIVITIES

#### SECTION 1

This local law shall be referred to as “A Local Law to Authorize the Issuance of Waivers to Permit Operation of Gasoline/Fuel-Powered Motors and Motor Boats on Upper Rhoda Pond in Connection with Bona Fide Environmental Remediation and Invasive Species Control Program Activities”.

#### SECTION 2

Currently, the Town of Copake Town Code prohibits, without exception, the use of gasoline- and other fuel-powered motors and motor boats upon Upper Rhoda Pond in the Town of Copake.

The Town Board of the Town of Copake seeks to permit the issuance of waivers by a designated enforcement official to permit the use of gasoline- and other fuel-powered motors and motor boats upon Upper Rhoda Pond where the use of such gasoline- and other fuel-powered motors and motor boats is in furtherance of bona fide environmental remediation or invasive species control program activities.

#### SECTION 3

A. Chapter 6 of the Town Code of the Town of Copake, entitled “Appearance Tickets” is hereby amended to add a new Paragraph D to Section 6-1 thereof, to read in its entirety as follows:

D. Violations of Section 172-9, relating to prohibited boats on Upper Rhoda Pond.

B. Section 172-9 of Chapter 172 of the Town Code of the Town of Copake, entitled "Parks and Recreation", is hereby amended to read in its entirety as follows:

**§ 172-9 Prohibited Boats.**

- A. All gasoline- or other fuel-powered motors and/or motor boats are hereby prohibited from operation upon Upper Rhoda Pond in the Town of Copake, except where a written waiver is granted pursuant to Paragraph B of this Section. Nothing herein shall, however, prohibit the use of electric or battery powered non-fuel-burning propulsion motors upon said lake.
  
- B. The Code Enforcement Officer is authorized to grant any person or entity a written waiver from the prohibition set forth in Paragraph A of this Section upon demonstration by such person or entity that the use of a gasoline- or other fuel-powered motor and/or motor boat is in furtherance of a bona fide environmental remediation or invasive species control program. Such written waiver shall only be granted upon submission of a written application therefor, which shall include a written plan detailing the bona fide environmental remediation or invasive species control program activities to be undertaken. The written waiver shall be issued for a definite period of time (not to exceed 90 days) to be set by the Code Enforcement Officer based upon the schedule for such program activities as set forth in the application, which period of time may be extended upon application to the Code Enforcement Officer demonstrating the need for such extension. The written waiver shall identify by appropriate means, such as serial number, registration number, or other sufficient description, the specific gasoline- or other fuel-powered motors or motor boats that are authorized to operate upon Upper Rhoda Pond pursuant to the written waiver. The written waiver shall be maintained in the principal office of the person or entity to whom it was issued. One copy of the written waiver shall also be maintained and available for inspection at all times on each subject motor boat to which it applies while it is being launched into, docked on, operated

upon, or removed from Upper Rhoda Pond. The Town Board may, by resolution, set an application fee for submission of an application for a written waiver and/or for submission of an application for an extension.

#### **SECTION 4**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

#### **SECTION 5**

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.

#### **SECTION 6**

This Law shall become effective upon filing with the New York Secretary of State.