

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐County ☐City ☒Town ☐Village
(select one:)

of Copake

Introductory Local Law No. 4 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
REMEDATION AND INVASIVE SPECIES CONTROL PROGRAM ACTIVITIES**

Be it enacted by the Town Board of the Town of Copake as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF COPAKE

INTRODUCTORY LOCAL LAW NO. 4 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2023 of the ~~(County)(City)(Town)(Village)~~ of Copake was duly passed by the Town Board of the Town of Copake on _____, 2023 in accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

3. ~~(Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Lynn Connolly, Town of Copake Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____