

**VILLAGE OF OYSTER BAY COVE  
LOCAL LAW 1-2016  
ADDITION OF NEW CHAPTER 117  
“REGULATION OF INVASIVE SPECIES”**

**SECTION 1.** Add new Chapter 117, “*Regulation of Invasive Species*,” in part to read as:

**§117-1. Purpose and intent.**

A. Purpose. The purpose of this chapter is to promote and protect the property, property values and welfare of the residents of the Village of Oyster Bay Cove, their guests and visitors to the Village, and to protect the property and preserve the ecology and aesthetic qualities of the environment of the Village of Oyster Bay Cove.

B. Intent. It is the finding of the Board of Trustees that the planting and the growing of invasive species within the Village of Oyster Bay Cove has been and will continue to be destructive to the natural environment, including indigenous flora, and destructive to properties in any manner within the Village adjoining and neighboring those properties where invasive species has been planted and permitted to grow; that because of these effects the planting and the growing of invasive species threatens the safety, value and physical integrity of both public and private property in the Village; and that therefore, in order to protect and preserve the ecology, environment and property values, the Village declares it necessary to regulate and/or prohibit the planting and growing of running bamboo and English Ivy within the Village.

**§117-2. General provisions.**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**INVASIVE SPECIES -**

A. Running Bamboo - hereinafter defined as any tropical or semi-tropical grass including, but not limited to, the following plant genera: Golden Bamboo (*Phyllostachys aurea*) and Nude Sheath Bamboo (*Phyllostachys nuda*)

B. English Ivy (*Hedera helix*)

**INVASIVE SPECIES PROPERTY OWNER** - A property owner in the Village who has invasive species on his property.

**§117-3. Prohibition.**

The planting of any invasive species shall be prohibited within the Village of Oyster Bay Cove upon the effective date of this local law. Any person who plants, or causes to be planted, any invasive species within the Village shall be deemed to be in violation of this section, and shall be subject to such penalties as are set forth hereunder.

#### **§117-4. Regulation of existing invasive species.**

(1) Any invasive species which has been planted or otherwise permitted to grow in any property within the Village of Oyster Bay Cove prior to the effective date of this chapter may remain on such property subject to compliance with this chapter. Each invasive species property owner shall be responsible to ensure that the invasive species planted or growing on his property prior to the effective date of this chapter does not grow, encroach or grow upon any adjoining or neighboring properties, including public property and rights-of-way held by the Village, and shall be required to take such measures as are necessary to prevent such invasive species from invading or growing onto adjoining or neighboring properties.

(2) No invasive species property owner within the Village of Oyster Bay Cove shall cause, suffer, or allow invasive species to be planted, maintained, grow, spread or otherwise be permitted to exist outside of any property line, or within any street, sidewalk, or public right-of-way.

#### **§117-5. Removal From Village Property.**

(1) In the event that any invasive species growing on a invasive species property owner's property invades or grows onto property that is owned or held on behalf of the Village of Oyster Bay Cove, the Village shall notify the invasive species property owner that the invasive species has invaded such property, and that the invasive species property owner is responsible for the removal of such invasive species. This notice shall be sent by certified mail return receipt requested and regular mail to the latest address of the invasive species property owner on file with the Village Clerk's records.

(2) In the event that the invasive species property owner does not remove said invasive species from the Village property within thirty (30) days from the date the Village first deposited the notice as provided in §117-5(1) above, then the Village, at its discretion, may remove or arrange for the removal of such invasive species from the Village property, and the invasive species property owner shall be liable and responsible to the Village for the Village's costs of removing the invasive species. Such costs may be assessed against the property of the invasive species property owner. In the event that the costs remain unpaid more than thirty (30) days after demand for payment has been made by the Village, such costs may be assessed upon and collected with the next tax levy of the Village.

#### **§117-6. Replanting.**

Replanting shall be prohibited, unless otherwise permitted and approved by the Board of Trustees. Any invasive species either planted or caused to be planted or existing on a property prior to the effective date of this section may not be replanted or replaced in kind once such invasive species is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

**§117-7. Violations and penalties.**

1. Any property owner convicted of an offense shall be guilty of a violation as defined in the Penal Law.
2. A violation of two or more sections of this chapter, or provisions within a section, shall be separate and distinct offenses for which a fine may be levied.
3. Each and every week a violation exists or continues shall constitute a separate and distinct violation conviction for which shall be an additional offense.
4. Each violation of this chapter shall be punishable by a fine not to exceed \$350.
5. Any violation of this chapter may be enjoined pursuant to law.
6. The remedies provided for herein shall be cumulative, and shall be in addition to any other remedies provided by law, including injunctive relief.

**§117-8. Severability.**

In the event that any portion or portions of this chapter shall be determined to be invalid or unenforceable for any reason, the remainder of the chapter and its provisions shall remain in full force and effect.

**SECTION II.** The local law shall take effect upon the filing with the Department of State.