

Introduced by Legislator Denenberg

LOCAL LAW NO. 7 -2007

A LOCAL LAW to prohibit the feeding of migratory waterfowl on county property.

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

Section 1. This law shall be known as the Migratory Waterfowl Law and shall appear in the miscellaneous laws as title sixty-three.

§ 2. Definitions. Unless otherwise expressly stated in this local law, the following terms shall have the following meanings:

“Migratory Waterfowl” shall mean those species of birds commonly known as swans, geese and ducks and any other waterfowl falling under the jurisdiction of the United States Fish and Wildlife Service.

“Feed” shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing migratory waterfowl.

“County property” shall mean any land which is owned, maintained, leased or managed by Nassau County for any purpose whatsoever, including but not limited to parks, preserves, beaches and drains thereon, including all property at Mitchel Field and Nassau Community College.

“Person” shall mean any individual, company, partnership, corporation, limited partnership, joint venture or other legal entity.

§ 3. Prohibition. No person shall feed or provide food for any migratory waterfowl on County property at any time of year.

§ 4. Enforcement. In addition to such powers granted pursuant to other provisions of law, security personnel of the Department of Parks, Recreation and Museums and the Nassau

Community College Security Force are hereby authorized to issue appearance tickets for any violations of this law; provided, however, that for the first year after the effective date of this law, such personnel shall only issue warnings for violations of this law. The provisions of this law may also be enforced by all other County personnel authorized to issue appearance tickets and such provisions shall not be construed to affect or limit the powers of arrest or issuance of an appearance ticket by a police officer or peace officer under the Criminal Procedure Law

§ 5. Penalties. A violation of section three of this law shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars. Any subsequent violation occurring within five years of the date of such first violation shall be punishable by a fine of not less than two hundred fifty dollars nor more than seven hundred fifty dollars.

§ 6. Applicability. The provisions of this law shall not apply to property owned by or under the jurisdiction of other municipal authorities, the State of New York and any agency thereof, or the government of the United States of America.

§7. Effective date. This local law shall become effective immediately after it shall have become a law; provided, however, that no appearance ticket shall be issued pursuant to section five of this local law until one year from such effective date.

§ 8. SEQRA determination. It is hereby determined pursuant to the provisions of SEQRA, Part 617 of 6 N.Y.C.R.R. and Section 1611 of the County Government Law of Nassau County that this legislative action is “Unlisted”; and further, that upon review of the Environmental Assessment Form (“EAF”) for the action, the recommendation of negative declaration from the Nassau County Planning Commission acting in an advisory capacity to the Nassau County Legislature, and supporting documentation, such action is determined not to have a significant effect on the environment and does not require further environmental review. A record of such determination shall be maintained in a file, readily accessible to the public, at the office of the Clerk of the Legislature.

MEMORANDUM IN SUPPORT

TITLE: A LOCAL LAW to prohibit the feeding of migratory waterfowl on county property.

PURPOSE: The feeding of migratory waterfowl on County property increases the potential for damage to County parks, causes water quality problems and increases the potential for the spread of disease to residents. In addition, such feeding can interrupt the birds' normal migration patterns, cause nutritional problems, and promote the spread of serious migratory waterfowl diseases such as avian influenza, avian cholera, plague and botulism. Finally, unless feeding is prohibited, efforts to limit waterfowl populations are undermined and birds will return to impacted areas. This law will protect the health, safety and welfare of the community and its wildlife by prohibiting the feeding of migratory waterfowl within County property. This legislation is viewed by the United States Department of Agriculture as a key component to a non-lethal waterfowl control program.

SUMMARY OF PROVISIONS: This local law prohibits the feeding of any migratory waterfowl on County property at any time of year. A violation of the law is punishable by a fine of not less than one hundred dollars nor more than five hundred dollars. Any subsequent violation occurring within five years of the date of a first violation is punishable by a fine of not less than two hundred fifty dollars nor more than seven hundred fifty dollars. Security personnel of the Department of Parks, Recreation and Museums and the Nassau Community College Security Force are authorized under the law to issue appearance tickets for any violations of this law. The provisions of this law may also be enforced by all other County personnel authorized to issue appearance tickets.

EFFECTIVE DATE: The law takes effect immediately; feeding birds will be unlawful. However, for the first year after the law takes effect, no summonses will be issued to, and no fines will be imposed on violators. Then, beginning one year subsequent to the effective date, the enforcement and penalty provisions will become operative, as written (sections 4 and 5).