TITeL OF DOCUMENT: Ordinance establishing Whatcom County Code 2.27A Aquatic Invasive Species

ATTACHMENTS:

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( X ) NO
Should Clerk schedule a hearing? ( X ) Yes ( ) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This proposed Ordinance establishes Whatcom County Code 2.27A, prohibiting the transport and introduction of Aquatic Invasive Species into waters of Whatcom County, prohibiting launching of boats and seaplanes infested with Aquatic Invasive Species, requiring owners of watercraft to submit to inspection, and establishing penalties for violations.

COMMITTEE ACTION:
7/24/2012: Substitute ordinance submitted and discussed. May be withdrawn from Council agenda Introduction items.
8/07/2012: Substitute ordinance submitted, withdrawn from Introduction. Will be introduced at the first meeting in September.

COUNCIL ACTION:
7/24/2012: Withdrawn from Introduction
8/07/2012: Withdrawn from Introduction
9/11/2012: Introduced
9/25/2012: Council Adopted 6-1, Brenner opposed Ord. 2012-034

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Ord. 2012-034

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
ORDINANCE NO. 2012–034

PREVENTING THE RELEASE AND SPREAD OF NONINDIGENOUS AQUATIC INVASIVE SPECIES IN THE WATERS OF WHATCOM COUNTY

WHEREAS, Whatcom County has authority under Washington State law to protect the health, safety, and general welfare of the public, to regulate and protect waters within its jurisdiction, and to control the transport and release of Aquatic Invasive Species,

WHEREAS, Lake Whatcom and Lake Samish are the drinking water sources for approximately half of the residents of Whatcom County and the vast majority of the City of Bellingham residents; and

WHEREAS, Whatcom County has adopted goals and policies to protect Lake Whatcom, Lake Samish and other freshwater lakes and streams; and

WHEREAS, Aquatic Invasive Species pose a serious threat to the waters of Whatcom County and can have a disastrous and potentially irreversible impact to water quality, water supply infrastructure, ecology, and recreational use; and

WHEREAS, watercraft transported from water bodies with Aquatic Invasive Species to uninfested waters are the principal cause of new infestations; and

WHEREAS, prevention programs that include education, screening, and watercraft inspection are effective in preventing the spread of Aquatic Invasive Species to uninfested water bodies; and

WHEREAS, an Aquatic Invasive Species prevention program is necessary to reduce the risk of Aquatic Invasive Species infestation and related impacts at Lake Whatcom, Lake Samish, and other waters of Whatcom County; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.27A is hereby adopted as set forth in Exhibit A, attached hereto.

DATED this 25th day of September 2012.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
Kathy Kershner, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON
Jack Louv, County Executive

Date Signed: 9/26/12

APPROVED AS TO FORM:
Daniel L. Ribling
Civil Deputy Prosecutor

APPROVED:
Dana Brown Davis, Clerk of the Council

X Approved  ( ) Denied
WCC Chapter 2.27A
Aquatic Invasive Species

010. Definitions
For the purpose of this section, the following definitions shall apply:

1. "Aquatic Invasive Species" shall mean and include those species classified in Washington Administrative Code (WAC) 220-12-090 as "prohibited aquatic animal species", and those plant species listed in WAC 16-752-400-415; 505; and 610. For purposes of this section, WAC 220-12-090 and WAC 16-752-400-415; 505; and 610, as presently constituted or as hereinafter amended, are adopted and incorporated herein by reference.

2. "Watercraft" shall mean every vessel used or capable of being used as a means of transportation on the water.

3. "Waters within the jurisdiction of Whatcom County" shall mean Lake Whatcom, Lake Samish, Baker Lake, Tennant Lake, Lake Terrell, Wiser Lake, Silver Lake, Toad Lake, Squalicum Lake, Reed Lake, Cain Lake and all other freshwater lakes and streams in unincorporated areas of Whatcom County where Watercraft have access.

4. "Enforcement Officer" includes any peace officer with jurisdiction in Whatcom County, and the County Noxious Weed Coordinator or his or her designee, to enforce the prohibitions set forth in this section.

020. Prohibitions
A. The transport or release of Aquatic Invasive Species into waters within the jurisdiction of Whatcom County is prohibited.

B. The launching of any watercraft or landing of any seaplane contaminated with Aquatic Invasive Species into waters within the jurisdiction of the Whatcom County is prohibited.

030. Inspection
Any and all motorized, non-motorized, and/or trailered Watercraft may be inspected by an Enforcement Officer prior to launching into waters within the jurisdiction of Whatcom County to detect the presence and prevent the transport or release of Aquatic Invasive Species.

040. Penalties
A. Any person violating this section shall have committed a civil infraction, and shall be punished by a fine not to exceed $1,000 for each violation.

B. Any individual who releases Aquatic Invasive Species or who launches Watercraft in violation of this section may be held responsible for the costs expended by Whatcom County or its designee for response and mitigation of impacts.

C. Payment of any penalty herein shall not relieve any individual from the responsibility of correcting the violations as found by the Enforcement Officer.

D. Any person found not in compliance with this section is subject to citation, shall be escorted off the water body, and shall be subject to any other legal action as deemed necessary by the Enforcement Officer, including but not limited to detaining said person and watercraft until inspected as required under this section.

E. Fines collected as a result of violating this section that are not otherwise encumbered, shall be used to fund the County's Aquatic Invasive Species Management and Prevention Program.

050. Applicability
The provisions of this code section shall apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the more restrictive provision shall apply. The provisions of this section are in addition to those provisions regulating Aquatic Invasive Species as contained in Washington State law.

060. Severability
If any section, provision, or portion of this chapter shall be determined to be invalid, the remainder of the chapter shall not for that reason be rendered ineffective or invalid.