

Edited 9/9/2021

VILLAGE OF BABYLON
LOCAL LAW RESOLUTION

Having duly called a public hearing to be held at Village Hall, 153 West Main Street, Babylon, New York on the 14th day of September, 2021 upon the matter of enactment of Local Law 11 of 2021, amending the Code of the Incorporated Village of Babylon, to add Chapter 370 – Fishing Regulations, the Village Board of Trustees of the Incorporated Village of Babylon proposes:

Chapter 370

FISHING REGULATIONS

Be it enacted by the Village Board of the Village of Babylon as follows.

Section 1. Add Chapter 370, Fishing Regulations, of the Village Code as follows:

§ 370-1 Legislative Intent.

The Village Board finds that it is in the best interest of the Village of Babylon and its residents to regulate fishing in the lakes and ponds throughout the Village to conserve, protect and encourage the use of fishing.

§ 370-2 Bodies of Water Affected.

Fishing at the following bodies of water within the Village of Babylon: (1) Argyle Lake; (2) Hawleys Pond; and (3) Southards Pond are covered by this Chapter.

§ 370-3 Activities regulated.

For the purpose of this Chapter, fishing shall include but not be limited to the taking, killing, netting, capturing or withdrawal of fish or food fish from the bodies of waters specified in Section 2 of this Village for recreational or other purposes, by any means, including every attempt to take and every act of assistance to any other person in taking or attempting to take fish. For the purpose of this Chapter, "fishing" shall not mean fishing activities and other actions preempted by the laws of the United States or the State of New York.

§ 370-4 Regulations.

- A. Fishing by permit or license. It will be a violation of this Chapter to fish without a valid New York State fishing license. Permits and licenses must be issued for the current session only. The permit or license must be available at all times when fishing.
- B. Equipment. Bait fishing must be done with conventional fishing equipment limited to one medium to lightweight rod no more than eight (8') feet in length and any reel with monofilament line no more than ten-pound (10 lb.) test with barbless circle hook. Anglers may use molded

facsimiles or replicas of insects, earthworms, fish eggs, fish or any invertebrate or vertebrate either singly or in combination with other materials as well as lures commonly described as spinners, spoons, or plugs made of metal, plastic, wood, rubber, or like substances or combination thereof. Fly fishing must be done with conventional fly fishing equipment limited to flies, one fly rod and fly line with unweighted leader material attached. Artificial flies and streamers are defined as being constructed of natural or synthetic materials, so long as all flies are constructed in normal fashion on a single barbless hook with components wound on or about the hook. Failure to comply with the equipment requirement above will be a violation of this Chapter.

C. Methods.

- (1) Taking Fish. Angling means taking fish by hook and line. This includes bait and fly fishing, as well as casting. Anglers must be in immediate attendance when their lines are in the water. The use of set lines where the angler is not in immediate attendance is prohibited. An angler may operate one (1) line with or without a rod. Each line is limited to not more than five (5) lures or baits total. No line shall exceed more than fifteen (15) hook points. Nets may be used to land a fish. No other use of nets to collect fish is permitted. Snatching, lifting, hooking, ice fishing, bow fishing, spearfishing, fish traps, and use of tip-ups are prohibited.
- (2) Taking Possession and Harvesting of Fish. Catch and release is permitted, catch and release of injured fish is prohibited. Measuring, weighing and photographing fish is permitted as long as the fish is not removed from the water for an extended period or handled in a manner that would cause harm. Fish may not be placed in a bucket, tub, livewell, on a string or any other holding device. Use of gaffs or gaff hooks is prohibited. All legally harvested fish may be gilled or gutted. Fish may be filleted provided that the skin is not removed from the fillets. It is illegal to discard any fish carcass, or parts thereof, into the freshwater bodies of the Village or within 200 feet of shore or upon public land contiguous to and within 200 feet such water.
- (3) Paths. It shall be a violation of this Chapter for any angler to block, restrict, disrupt or impede any sidewalk, footpath or other pedestrian or cycling thoroughfare.

D. Litter. It shall be a violation of this Chapter to litter while fishing. All paper, fishing gear, and other material brought in must be carried out.

§ 370-5 Penalties for offense.

- A. Each and every violation of any provision of this Chapter or of any of the rules and regulations promulgated hereunder shall be punishable by a mandatory minimum fine of not less than \$250.00 for each and every separate offense relation to a violation of this chapter.
- B. Each and every violation of any provision of this Chapter or of any of the rules and regulations promulgated hereunder may be punishable by prohibiting the offender from fishing within the Village of Babylon.

§ 370-6 Powers of the Village Board.

- A. The Village Board, by resolution, may, from time to time, add or reduce regulations as it sees fit.

- B. The Village Board, by resolution, may, from time to time, restrict or suspend fishing within the Village.
- C. The Village Board may prohibit fishing at any of the bodies of water specified in Section 2 of this Chapter.

§ 370-7 Signs and other equipment.

- A. The Village may install signs with the regulations of this Chapter or that fishing has been suspended or restricted within the Village.
- B. The Village may install other equipment to assist in the regulation of fishing within the Village.

Section 2. SEQR Determination.

It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, (SEQR), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c)(26) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

Section 3. Severability.

If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

Section 4. Effective Date.

This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.