

VILLAGE OF EARLVILLE

Public Hearing
Village Hall

March 10, 2015
6:30 PM

NOTICE: Pursuant to Article 7 of the Public Officers Law § 104-1, notice of this meeting was given to the media at least seven days in advance and the same posted on February 28, 2015.

Tonight's meeting minute notes: All votes by the Village of Earlville Board of Trustees (herein "Board" or "Village Board") 5-0 are to be read as "aye" votes from Village of Earlville Board of Trustees members Corey, Hayes, Moore and Piliero. The "Village Office" is the Village of Earlville Municipal Office located at 8 North Main Street. The "Planning Board" means the Village of Earlville Planning Board.

Mayor William Excell called the Public Hearing to order at 6:30 p.m. Board members present were Trustees Margaret Corey, Gerald Hayes, Daniel Piliero and Henry Moore. Also present was Village Clerk-Treasurer Kelly Beach and nine members of the public.

The Public Hearing was called to discuss the Local Law #1 of the Year 2015 "A Local Law Providing for the Administration and Enforcement of Animal Control. Excell thanked the present and previous Board Members for hard work and everything they went through to get here.

A brief discussion regarding the proposed local law followed.

PUBLIC COMMENT


A resident stated that he does not see why so many restrictions on owning animals are needed in such a small village; he felt that the fees and inspections are very unreasonable. He does not feel that residents should have to allow Village officials on their personal property. Mayor Excell stated that the Board Members have worked very hard to accommodate everyone as much as possible; he feels they are trying to help every Village Resident, as well as protect them. The resident stated he feels that it is another restriction being put in place for people wanting to move into the Village as well as existing residents. Trustee Moore pointed out that not everyone can be pleased, he believes that there needs to be restrictions and some sort of animal control. Trustee Moore pointed out that there was barely any input from village residents regarding this, so the board was put in the position to make the decisions. Trustee Hayes asked the resident if he felt that the new proposed law is less restrictive than the present law, the resident would not reply. Trustee Piliero noted that Earlville is a Village, and if people wanted animals they should live outside of a village. Trustee Corey noted that the Board tried very hard to make the law fair to all residents. A resident asked why the new law has been brought about and noted that when she lived here prior, the scent of cow manure was common. Trustee Hayes explained that the 1963 Law was replaced by the 2007 Law, which prohibited non domestic animals. He further explained that the new proposed law is much more open.

EXECUTIVE

No Executive Session.

With nothing further to discuss, Trustee Moore then ended the meeting by a motion to adjourn the Board Meeting at 6:18, seconded by Trustee Corey, and carried 4-0.

"I certify this document is a true and accurate description of the regular board meeting of the governing board of the Village of Earlville March 10, 2015."



Kelly Beach
Clerk-Treasurer
Village of Earlville

- Village Seal -

LOCAL LAW FILING

**Village of Earlville
County of
Madison/Chenango**

Local Law No. 1 of the year 2015

A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL

Be it enacted by the Town Board of the Village of Earlville as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement as a safeguard to the health of the inhabitants of the Village, to prevent nuisances. The village has the right to restrict the number of animals and the type of animal to protect the health, welfare and well-being of the public.

SECTION 2. DEFINITIONS

For the purpose of this local law, the following words and phrases shall have the meaning ascribed to them in this article:

“Swine” shall mean the entire super family of suidoidae, both feral and domestic.

“Cattle” shall mean the entire family of bovidae.

“Poultry” shall mean chickens, turkeys, guinea fowl and game birds.

“Goat” shall mean any member of the genus capra.

“Sheep” mean any member of the genus ovis.

“Livestock” shall mean swine – as defined above; cattle – as defined above; poultry – as defined above; goat – as defined above; sheep – as defined above; rabbits and ferrets.

“Exotics” shall mean any mammal or reptile that has now been domesticated or must be caged or restrained or which is classified by the State of New York Department of Environmental Conservation as “Dangerous Wildlife”.

“Waterfowl” shall mean any member of the family Anatidae, including, but not limited to ducks, geese and swans.

“Non-Domestic Animals” shall mean “livestock,” “exotics” and “waterfowl” as defined above.

“Person” shall mean any person, firm, corporation, partnership or association.

“Nuisance Situations” shall mean noise complaints, odor complaints and the attraction of vermin.

“Possess” shall mean housing; holding for sale or auction; the action of an agent or servant to the owner of said non-domestic animals; or temporary tenancy for owner of said non-domestic animals.

“Owner” shall mean any person owning, keeping harboring, feeding, boarding or having the care, custody or control of any domestic or exotic animal, and when such owner shall be a child under the age of 18 years, the parent(s) or guardians of such child shall be deemed to be the owner of such domestic or exotic animal for all purposes of this article.

SECTION 3. ENFORCEMENT

The animal control officer, Codes Enforcement Officer (CEO), or a police officer shall have authority, pursuant to Article 150 of the New York Criminal Procedure Law, to issue appearance tickets as defined therein for the purpose of enforcing this Chapter.

SECTION 4. REQUIREMENTS

A. Permit required to keep certain animals.

It shall be unlawful to harbor, house, keep, maintain, care for or stable any horse, mare, donkey, mule, cattle, sheep, swine, mink, goat, poultry, pheasant, or any other barnyard animal within the limits of the Village without first having obtained and having in full force and effect a written permit therefore.

B. Application for operating permit.

Any person desiring to procure a permit under this article shall make application to the CEO upon a form furnished by the Village and grant to the Village, its officers, servants, agents and employees the right to enter in and upon the premises

and place designed in said application for the purpose of making an inspection at any time.

C. Inspection required.

Upon filing of the application and the granting of the right of entry for inspection at any time, it shall be the duty of the Code Enforcement Officer, or whoever the Board of Trustees shall designate, to make an inspection of the premises and place for which the permit is requested and file his report and recommendation with the Board of Trustees as to the approval or rejection of said application.

D. Issuance of permit; fee.

Upon said approval of said application by the Board of Trustees, the CEO shall, upon payment by the applicant of a fee as set from time to time by resolution of the Board of Trustees, issue a permit good until revoked or otherwise terminated as hereinafter provided. No permit shall be assignable or transferable.

E. Inspections after issuance of permit.

It shall also be the duty of the Code Enforcement Officer, or whoever the Village Board of Trustees shall designate, to make inspections from time to time, and such other inspections as he may be directed by the Board of Trustees, of the premises and place for which permits have been issued to ascertain whether or not said premises or places are maintained in accordance with the provisions of this article. It shall also be the Code Enforcement Officer's duty to report all violations of the article and other provisions of this article and other provisions of the Code, the Public Health Law of the state, and the rules and regulations of all departments of the Village to the proper authorities.

F. Revocation and cancellation of permits.

The Board of Trustees or the Code Enforcement Officer shall have full power to revoke and cancel any permit issued hereunder for the holder's failure to comply with any of the provisions of this article and of any and all other provisions of the Code, ordinances, rules and regulations now existing or as may be hereafter enacted or promulgated in any manner affecting the health, comfort and welfare of the public and citizens of the Village.

G. Maintenance of premises in sanitary condition.

The premises and place where any horse, mare, donkey, mule, cattle, sheep, swine, mink, goat, poultry, pheasant, or any other barnyard animal are housed must be kept at all times in a clean, wholesome, sanitary condition and reasonably free from

offensive odors. All accumulation or collection of manure and other refuse derived from the keeping of said animals, swine and fowl (including removal of deceased animals) must be disposed of in a sanitary and legal manner.

H. Minimal space

Based on the size of the lot, the village reserves the right to limit the number of animals. Any animal or structure housing animals must have a minimum setback of 30 feet from any property line, 50 feet from the lot frontage, and 50 feet from adjacent or adjoining residences.

I. Roosters

The ownership or keeping of roosters is **PROHIBITED** with-in the village limits.

J. Animals prohibited from running at large.

No owner of, or other person having the custody of, any horse, mare, donkey, mule, cattle, sheep, swine, mink, goat, poultry, pheasant, or any other barnyard animal shall suffer or permit any of such animals to run at large on any public street or public place in the Village.

K. Annoyance

No person shall keep any animal which by continual barking, howling, whining or other frequent or long continued noise or behavior which shall cause annoyance or discomfort (to a reasonable person of normal sensitivity).

L. Exempted premises

The provisions of this article shall not apply to premises owned or operated by the Village of Earlville, provided said premises are used for fair, carnival, or agricultural-related purposes.

Keeping and raising wild or exotic animals

No person shall within the Village of Earlville offer for sale, bring into, keep, house, breed or raise or permit to be kept any wild or exotic animal irrespective of their actual or asserted state of docility, tameness or domestication and without regard to whether a specific animal is considered a pet or domesticated by its keeper or possessor. "Wild or exotic animals" shall mean any animal, including those animal that are captive-bred, cross-bred or raised, which can normally be found in the wild state, including but not limited to any live monkey (nonhuman primate), raccoon, skunk, wolf, wolf dog, bear, coy dog, squirrel, fox, leopard, lion, ostrich, panther, tiger, llama, alpaca, lynx, any

member of the crocodylian family, including but not limited to alligators, crocodiles, caimans, gavials, all species of snakes.

Specially declared not to be wild or exotic animals subject to regulation are tropical birds, such as canaries, parakeets, parrots, and myna birds; guinea pigs; hamsters; white mice; turtles other than snapping turtles; and ferrets under license issued by New York State Department of Environmental Conservation. All persons keeping ferrets shall keep on file with the Village Clerk a copy of a valid license.

The provisions of this section shall not apply to premises owned or operated by the Village of Earlville or the successors, provided said premises are used for farm carnival or agricultural-related purposes.

SECTION 5. PENALTIES FOR OFFENSES.

- A. Any owner, person, corporation, association or other organization or entity that violates any applicable provision of this chapter, shall severally be guilty of a violation punishable as follows:**
- 1. For conviction of a first offense, a fine not exceeding \$175.00.**
 - 2. For conviction of a second offense both of which were committed within a period of five years, a fine of not less than \$175.00 nor more than \$350.00 or imprisonment for a period not to exceed six months, or both.**
 - 3. For a third or subsequent offense, all of which were committed within a period of five years, a fine of not less than \$350.00 nor more than \$500.00 or imprisonment for a period not to exceed six months, or both.**
 - 4. Each week that the prohibited condition(s) or violation continues shall constitute a separate offense.**
- C. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue. The imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.**
- D. An action or proceeding in the name of the Village or Earlville, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, any rule or regulation adopted pursuant to this chapter or any order issued pursuant to this chapter. Such remedy shall be in addition to penalties otherwise prescribed by law.**

E. Nothing in this chapter shall preclude any action or proceeding based upon any other remedies or penalties provided under state or other laws, ordinances or regulations, including but not limited to new York State Executive Law § 382.

F. For purposes of conferring jurisdiction upon courts and judicial officers generally, violation of those provisions which reference penalties for a knowing violation shall be deemed violations; and for such purpose only, all provisions of law relating to violations shall apply.

SECTION 6. PREVIOUS LAW

On the date this local law takes effect, Local Law #1 of 2007 is hereby repealed.

SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

MOTION by _____, seconded by Trustee
to adopt Local Law No. 1 of 2015, "A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL"

William Excell	yes	___	no	___
Gerald Hayes	yes	___	no	___
Henry Moore	yes	___	no	___
Margaret Corey	yes	___	no	___
Daniel Piliero	yes	___	no	___

Attest:

Kelly Beach, Clerk-Treasurer
Village of Earlville

-- Seal --