

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 ovvis.

“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 Trustee Gerald Hayes, seconded by Trustee Henry Moore to adopt Local Law No. 1 of 2015, "A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL"

William Excell	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Gerald Hayes	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Henry Moore	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Margaret Corey	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Daniel Piliero	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>

Attest:

Kelly Beach
 Kelly Beach, Clerk-Treasurer
 Village of Earlville

-- Seal --

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2015 of the (County)(City)(Town)(Village) of Earlville was duly passed by the Village of Earlville on March 10 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Willy Beach
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/10/15

(Seal)

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

April 17, 2015

Village Clerk
PO Box 88
Earlville NY 13332

RE: Village of Earlville, Local Law 1 2015, filed on April 17, 2015

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**