

# **A Local Law Prohibiting Non-Domestic Animals Within The Village of Earlville**

Local Law #1 of 2007

Be it enacted by Resolution 27-47 by the Village Board of Trustees of the Village of Earlville, in the County of Madison, New York, on Nov. 13, 2007, as follows:

## **Article A: Title, Purpose, Authority**

### *1. Title*

This local law shall be known as the “Village of Earlville Public Health: Keeping of Animals Local Law.”

### *2. Purpose*

By adoption of this local law, the Village of Earlville declares its intent to prohibit non-domestic animals from being kept within the Village of Earlville. The Village of Earlville further declares that for the betterment of community beautification and home values, and the keeping of public health and prohibiting disturbances, such animals constitute a detriment to these values.

### *3. Authority*

This law is adopted pursuant to the authority granted to the Village of Earlville under the powers conferred to the board of trustees under the Laws of New York, Village Law. (Article 4, Section 412-1)

## **Article B: 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 ratites - such as ostriches, emus, rheas and kiwis; farmed deer and buffalo; and wool-bearing animals, such as alpacas and llamas.

“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.

### **Article C: Regulations**

It shall be unlawful for any person to possess a non-domestic animal in the Village of Earlville, knowingly or unknown to them.

### **Article D: Enforcement**

1. The Code Enforcement Officer shall upon request of the Village of Earlville Board of Trustees make inspections of any premises that are in violation of this Local Law. The Code Enforcement Officer is authorized by the powers granted by the State of New York to contact state and local police in the event a person is in violation of this Local Law.

### **Article E: Violation – Penalty**

1. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this local law. Notwithstanding any provisions to the contrary, a violation of any of the provisions or requirements of this local law or any ordinance adopted by the Village of Earlville shall constitute a misdemeanor; provided, however, any such violation constituting a misdemeanor may, in the discretion of the attorney having prosecutorial functions, be charged and prosecuted as an infraction.

2. All village residents have 30 days from the date of this local law being enacted by resolution to be in full compliance.

3. Any person convicted of a misdemeanor under the provisions of this local law, unless provision is otherwise made, shall be punishable by a fine of not more than \$250 for a first offense. Any person convicted of a second misdemeanor under the provisions of this local law, unless provision is otherwise made, shall be punishable by a fine of not more than \$500, by imprisonment in the county jail for a period of not more than 30 days, or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this local law shall be punishable by fine only as follows:

A. A fine not exceeding \$100.00 for a first violation;

B. A fine not exceeding \$200.00 for a second violation of the same ordinance within one year;

C. A fine not exceeding \$500.00 for each additional violation of the same ordinance within one year.