

Local Law 3 – 2019

Title: A LOCAL LAW CREATING THE POSITION OF ANIMAL CONTROL OFFICER AND REGULATING FARM ANIMAL CONTROL IN THE TOWN OF ALLEGANY, NEW YORK.

Purpose: The Town Board of the Town of Allegany, N.Y. (herein after referred to as the “Town”) finds that the running at large and other uncontrolled behavior of farm animals has caused the potential for physical harm to persons, damage to property and created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property within the Town and to preserve the overall public peace, health and good order of the residents of the Town by enforcing and enacting certain restrictions on the owners of farm animals within the Town.

Farm Animal: Livestock, including sheep, horses, cattle, goats and swine; poultry; fowls, ducks, geese, turkeys and chickens; farmed deer; fur-bearing animals; and reptiles, and excluding dogs and cats, whether domesticated or not, or which is classified by the New York State Department of Environmental Conservation as “wildlife”.

Owner: If a party is required to purchase a license for a farm animal, that party is the owner of the farm animal. If there is no licensing requirement for a farm animal, the term “owner” shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any farm animal which is kept, brought or comes within the Town. Any person owning or harboring any farm animal for a period of one (1) week prior to the filing of any complaint charging a violation of this Local Law shall be held and deemed to be the owner of such farm animal for the purposes of this Local Law. In the event any farm animal found to be in violation of this Local Law shall be owned by a minor, the head of household in which said minor resides shall be deemed to have custody and control of said farm animal and shall be responsible for any acts of said farm animal in violation of this Local Law.

Restrictions: It shall be unlawful for any owner of any farm animal in the Town to permit or allow such farm animal to:

- (a) Engage in habitual loud howling, crying, honking, whining or making of such noise or conduct in such a manner so as to unreasonably and habitually disturb the peace and quiet of any person other than the owner of the farm animal.
- (b) Uproot, dig, or otherwise damage any lawns, garden beds, vegetables, flowers, or other property not belonging to the owner of such farm animal.
- (c) Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (d) Habitually chase, run alongside of, or vocalize at motor vehicles while on a public street or highway or upon public or private property other than the property of the owner.
- (e) Create a nuisance by defecating or urinating on public property or private property other than that of the owner.

Confined: Such farm animals shall be securely confined or restrained and kept on the owner's premises whether within a building, kennel, electric fence, or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the farm animal cannot reach or endanger any person, or any adjacent or abutting premises, or any public street, way or drive, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

Farm Animals prohibited from running at large: No owner of, or other person having custody of, or who harbors, houses, keeps, maintains or cares for any such farm animal as defined herein shall suffer or permit any such farm animal to run at large on any property open to the public, or on any property not used or leased by the owner of the farm animal, unless the property owner gives permission to the owner of the farm animal to allow such farm animal upon his/her/their property.

Maintenance of premises in Sanitary Condition: The premises and property where a farm animal as defined herein is housed shall be kept clean at all times and properly ventilated, wholesome, sanitary and free from offensive odors. All

accumulation or collection of manure and other refuse derived from the keeping of farm animals must be disposed of in an appropriate and sanitary manner.

Animal Control Officer: The position of “Farm Animal Control Officer” is hereby created and shall be filled by appointment of the Town Board of the Town of Allegany as set forth herein.

Enforcement: It shall be the duty of the Farm Animal Control Officer or Peace Officer, when acting pursuant to his/her/their special duties, to enforce this local law. The Farm Animal Control Officer or Peace Officer shall investigate any alleged violation of this local law and cause a written report to be filed with the Town Clerk.

Establishment of the fact or facts that a farm animal has committed any of the acts prohibited by this Local Law shall be presumptive evidence against the owner of such farm animal that he/she/they failed to properly confine, leash or control his/her/their animal.

Seizure, Impoundment, Redemption and Adoption:

- (a) Any farm animal found in violation of this Local Law may be seized pursuant to the provisions of Article 26 of the Agriculture and Markets Law.
- (b) Every farm animal seized shall be properly cared for; sheltered, fed and watered for the redemption periods set forth in Article 26 of the Agriculture and Markets Law.
- (c) Seized farm animals may be redeemed by producing proof of correction of any violation under this Local Law and by paying impoundment fees.
- (d) If the owner of any unredeemed farm animal is known, such owner shall be required to pay impoundment fees whether or not such owner chooses to redeem the farm animal.
- (e) Any farm animal unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Article 26 of the Agriculture and Markets Law.
- (f) No action shall be maintained against the Town of Allegany, any Farm Control Officer or Peace Officer when acting pursuant to his/her/their special duties, or any other agent or officer or representative of the Town of Allegany, to recover the value of a farm animal, or for damages for injury or compensation for the

destruction of any farm animal seized or destroyed under the provisions of this Local Law.

Violations & Penalties: Any Animal Control Officer or Peace Officer when acting pursuant to his/her/their special duties, or other designated agent of the Town shall have the authority to issue and serve an appearance ticket for any alleged violation. Unless otherwise stated, a violation of any provision of this local law shall be deemed an offense punishable, upon conviction, by a fine not to exceed One Hundred (\$100.00) Dollars for a first offense, and Two Hundred Fifty (\$250.00) Dollars for each offense thereafter.

When Effective: This local law shall become effective immediately upon filing with the New York Secretary of State.