

LL 2011-001

REGULATING THE CONTROL OF CATTLE  
SHEEP HORSES AND ANYU OTHER  
DOMESTICATED ANIMAL WITHIN THE  
TOWN OF AMITY

*copy to 4/2/11  
40 T/Parade*



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

RUTH NOEMI COLÓN  
ACTING SECRETARY OF STATE

April 20, 2011

Keith A Slep  
Attorney and Counselor at Law  
PO Box 1237  
168 ½ North Main Street  
Wellsville NY 14895

**RE: Town of Amity, Local Law 1 2011, filed on April 20, 2011**

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.state.ny.us](http://www.dos.state.ny.us).

Sincerely,  
State Records and Law Bureau  
(518) 474-2755

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)  
of Amity \_\_\_\_\_

Local Law No. ONE (1) \_\_\_\_\_ of the year 2011 \_\_\_\_\_  
regulating the control of cattle, sheep, horses and any other domesticated animal within the  
(Insert Title)  
Town of Amity.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Town Board \_\_\_\_\_ of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)  
of Amity \_\_\_\_\_ as follows:

\*\*\*\*\* SEE ATTACHED \*\*\*\*\*

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. **Statement of Intent.** This local law shall amend and replace Local Law No.1 of 2006. Local Law No. 1 of 2006 is hereby repealed and replaced by the following. The Town Board of the Town of Amity recognizes that failure to confine cattle, sheep, horses and any other domesticated animals, or allowing domesticated animals to roam free and to trespass upon public and private highways unattended or upon public or private lands without permission of the owner or possessor of such lands, is injurious to the health, safety and welfare of the residents and property owners of the Town of Amity. This local law shall not apply to dogs or domesticated animals kept in the house as pets.

Section 2. **Definitions.** As used in this local law, the following terms shall have the following meanings hereinafter designated:

- A. Cattle - shall mean one or more calves, heifers, cows, bulls, steers, oxen or other bovines.
- B. Domesticated Animals - shall mean one or more animals that have been traditionally rendered suitable for farming or other agricultural activities and shall include, but not be limited to goats, alpacas, llamas, pigs, swine and other such animals.
- C. Horses - shall mean one or more colts, ponies, stallions, geldings, mares or other equines.
- D. Owner - shall mean the registered owner, if cattle, sheep or horses are entered upon a public or private register of owners of such animals, and any person claiming or asserting any interest in such animals, whether such claim or assertion is based upon documentary or oral evidence.
- E. Person - shall mean corporations, partnerships, unincorporated associations, as well as individuals.
- F. Possessor - shall mean any person having cattle, sheep, horses or other domesticated animals (as defined by this local law) in his/her possession or under his/her control, whether as a principal, bailee or other agent of the owner.
- G. Sheep - shall mean one or more lambs, ewes or rams.
- H. Throughout this local law the use of the singular shall include the plural and vice versa, and the use of the masculine shall include the feminine and vice versa.

Section 3. **Confinement of cattle, sheep, horses and domesticated animals.** Every owner and/or possessor of cattle, sheep, horses and/or domesticated animals shall keep such animals securely and safely confined to his own lands by adequate fencing or other lawful restraints, and shall not allow such animals to roam unattended on public or private lands or highways.

Section 4. **Fencing.** Barbed or other wire may be used in the construction of any fencing, provided that such fence be built in the following manner: The fence shall be of at least four (4) strands of wire with the posts and supports of such fence no greater than ten (10') feet apart. The fence shall be substantially built and reasonably sufficient to enclose the particular class of animal pastured or enclosed on either side of such fence. The fence shall remain in proper repair at all times, and when such fence shall become out of repair or unsafe, it shall be the duty of the owner or owners to immediately repair the fence or enclosure.

Section 5. **Presumptions.** If cattle, sheep, horses and/or domesticated animals are found unattended upon public or private highways, or are discovered on public or private lands, other than lands owned or leased by the owner and/or possessor of such animals, it shall be presumed that the owner and/or possessor of such animals failed to confine or restrain such animals in a proper manner as specified herein, and the burden of proving proper confinement or restraint shall then fall upon the owner and/or possessor of such animals.

Section 6. **Penalties.** (a) Each and every violation of the provisions of this local law, as to each and every animal, by any person shall be deemed to be an offense against such local law, punishable by a fine of not more than \$250.00 or imprisonment not exceeding fifteen (15) days, or both. Each day of violation of the provisions of this local law shall be deemed a separate and distinct offense as to each and every animal found to have been in violation of the terms of this local law. In addition, the court shall order that any and all damages, charges and fees associated with such violation be paid as restitution and be assessed at the same time as the fine and other penalties.

(b) In addition to the above provided penalties and punishment, the Town Board, in its sole and absolute discretion, may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such local law.

Section 7. **Enforcement.** This local law may be enforced by any peace officer or deputy thereof; code enforcement officer or deputy thereof; local police officer; New York State Trooper; Sheriff or deputy sheriff, having jurisdiction in such matter.

Section 8. **Seizure and Redemption of Animals.** (a) Any peace officer or deputy thereof; code enforcement officer or deputy thereof; local police officer; New York State Trooper; Sheriff or deputy sheriff, having jurisdiction in such matter observing a violation of this local law shall enforce it by issuing a citation to the offending owner and/or possessor. In addition, they shall be empowered to seize any cattle, sheep, horses and/or domesticated animals found in circumstances violating this local law. Such animals can be maintained by the appropriate officials of the Town of Amity, or may be placed with a duly established and operating Society for the Prevention of Cruelty to Animals, or to any similar agency, organization or shelter.

(b) The owner of any animal seized pursuant to the provisions of this local law shall redeem such seized animal within five (5) days if such animal is unlicensed, or within ten (10) days if such animal is licensed. Redemption of any seized animal can be made upon payment of all fees incurred by the Town of Amity, plus the sum of twenty-five (\$25.00) dollars for each and every animal seized, plus payment of any fines which have been imposed by any court having jurisdiction over any case filed for violation of this local law.

(c) If any animal seized pursuant to the provisions of this local law is not redeemed within the time specified in subsection (b) above, the owner shall be deemed to have forfeited all title and right to such animal and the animal shall be sold by the Town of Amity or destroyed. If the animal is to be sold or destroyed, the costs related to such sale or destruction shall be a charge which the Town of Amity may recover against the owner and or possessor by an action in the appropriate court.

(d) The Town Supervisor or Town Clerk is hereby authorized to sell or dispose of any seized animal, in the name of the Town of Amity, which has not been redeemed within the specified time limits set forth above. The Town Clerk shall keep a record of all sales and such record shall be a public record open to inspection during regular office hours of the Town Clerk.

**Section 9. Separability.** Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provision or provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**Section 10. Effective Date.** This local law shall take effect immediately upon its passage by the Town Board of the Town of Amity and upon its filing with the Secretary of State.

(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. One (1) of 2011 of the ~~County~~(Town)(~~Village~~) of Amity Town Board was duly passed by the (Name of Legislative Body) on April 4, 2011, in accordance with the applicable provisions of law.

**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~~(Town)(~~Village~~) of \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

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

\* 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 1 \_\_\_\_\_ 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 One (1) above.

*Richard E. M. ...*

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

Date: 04/04/2011

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ALLEGANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Signature]*

Signature  
Town Attorney

Title

County  
 City of Amity  
 Town  
 Village

Date: 4-6-11