

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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.

FILED  
STATE RECORDS

JUN 23 2015

County

City

of Mayfield

Town

Village

DEPARTMENT OF STATE

Local Law No. 1 of the year 2015

A local law To Regulate and Control Dangerous, Endangered and Exotic Animals

(Insert Title)

within the Town of Mayfield

Be it enacted by the Town Board of the

(Name of Legislative Body)

County

City

of Mayfield

Town

Village

as follows:

The text of this Local Law is annexed hereto.

## **SECTION 1. DECLARATION OF INTENT**

The Town Board of the Town of Mayfield hereby finds and declares that it intends to provide for the public health, safety and welfare through the regulation and control of dangerous, endangered and exotic animals not otherwise regulated and controlled by Federal, State and local laws, as hereinafter provided.

## **SECTION 2. DEFINITIONS**

As used in this Local Law, the following terms shall have the meanings indicated, unless it is plainly evident from the context that a different meaning is intended:

- (a) "Dangerous and Endangered Animals" shall mean any animal subject to the notification provisions of Section 209 -cc of the General Municipal Law of the State of New York or which is listed by New York State Department of Environmental Conservation as being dangerous or endangered;
- (b) "Exotic Animal" shall mean any of the following:
  - (1) Following members of the Class Aves: Order Falconiformes (such as, but not limited to, hawks, eagles, and vultures which are not kept pursuant to Federal or State permit), and Subdivision Ratitae (such as, but not limited to, ostriches, rheas, cassowaries and emus);
  - (2) Following members of the Class Mammalia: Order Carnivora, expressly excepting the domestic dog (*canis familiaris*) and the domestic cat (*Felis catus*) and including, but not limited to, the Family Felidae (such as ocelots, margays, lions, tigers, jaguars, leopards and cougars), the Family Canidae (such as wolves, dingos, coyotes, and jackals), and Order Marsupialia (such as kangaroos and common opossums, *Didelphis marsupialia*) and Order Chiroptera (bats) and Order Edentata (such as sloths, anteaters and armadillos), and Order Proboscidea (elephants) and Order Primata (including but not limited to, monkeys, chimpanzees and gorillas); or
  - (3) Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting, and touch or other means, except honey producing bees.
- (c) "Venomous" shall mean having a gland for the secretion of venom able to inflict a poisoned bite, sting or wound.
- (d) "Owner" shall mean any person, firm, corporation or other entity owning, having interest in, or having control, custody or possession of any exotic animal.
- (e) "Person" shall include any person, partnership, corporation, trust, and association of persons or other entity.
- (f) "Zoo" shall mean any lawfully operating business which possesses all required State and Federal Licenses to operate as such, and which exhibits dangerous, endangered or exotic animals for the purpose of viewing by the general public.

### **SECTION 3. RESTRICTIONS**

No person shall own, possess, keep or harbor any dangerous, endangered or exotic animal within the Town of Mayfield.

### **SECTION 4. EXCEPTIONS**

(a) Any lawfully existing zoo in operation on the date of enactment of this Local Law shall be exempt from the provisions hereof; provided, however that any expansion or enlargement of such operation beyond the parcel on which it is currently located shall require a special use permit as set forth and outlined in the Town of Mayfield Zoning Law.

(b) Any lawfully existing exhibitor of dangerous, endangered or exotic animals in operation on the date of enactment of this Local Law, which possesses all the required State and Federal Licenses to operate as such, but is not a Zoo, shall be exempt from the provisions hereof; provided, however that any expansion or enlargement of such operation in any way shall require a special use permit as set forth and outlined in the Town of Mayfield Zoning Law.

(c) The provisions of this Local Law shall not apply to any of the following:

1. A bona fide circus exhibiting any "dangerous, exotic or endangered animals" for a period of time not to exceed a total of (10) days in any calendar year.
2. A person transporting any "dangerous, exotic or endangered animals" to a location or activity excepted herein, or transporting any "dangerous, exotic or endangered animals" directly through the Town of Mayfield;
3. Provided that, in all instances enumerated above, any "dangerous, exotic or endangered animals" are properly restrained with a view to public health, safety and welfare concerns.

### **SECTION 5. PENALTIES FOR OFFENSES**

Any person violating any provisions of this Local Law shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than two hundred fifty (\$250.00) dollars, or imprisonment for a period not exceeding fifteen (15) days, or both such fine and imprisonment. Each week of violation shall be deemed a separate violation.

### **SECTION 6. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the office of the New York 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. 1 of 2015 of the ~~(County)(City)~~(Town)(Village) of Mayfield was duly passed by the Mayfield Town Board on June 18, 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 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 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 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. 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 \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 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 chairman 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 \_\_\_\_\_ 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 \_\_\_\_\_, 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 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 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.

Dorothy Hart  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: June 18, 2015

(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 FULTON

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.

Carmel J. Greco  
Signature

Town Attorney  
Title

CORRNY  
CITY of Mayfield  
Town  
Village

Date: June 18, 2015