

TOWN OF WILLSBORO LOCAL LAW NO. 1 OF THE YEAR 2019

“A Local Law to Regulate the Keeping of Cats in the Town of Willsboro.”

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WILLSBORO AS FOLLOWS:

SECTION 1. TITLE

The title of this local law shall be “A Local Law to Regulate the Keeping of Cats in the Town of Willsboro.”

SECTION 2. AUTHORITY

This local law is enacted pursuant to the authority granted by the Municipal Home Rule Law of the State of New York.

SECTION 3. PURPOSE

The Town of Willsboro finds that the running at large and other uncontrolled behavior of cats, including domestic, community, and feral, within the Town of Willsboro has caused a nuisance to persons and damage to property. Harboring large numbers of cats, unhealthy cats, un-spayed, un-neutered and unvaccinated cats has created a threat to public health and safety within the Town. The purpose of this article is to protect the health, safety and well-being of persons and property within the Town of Willsboro by imposing restrictions and regulations upon the keeping and running at large of cats within the Town.

SECTION 4. DEFINITIONS

AGRICULTURAL AND MARKETS LAW - The Agricultural and Markets Law of the State of New York in effect as of the effective date of this Local Law and as amended thereafter.

CAT - Any cat of either sex and of any age

FREE ROAMING CAT - Any cat that, at any time, is not confined to its owner's property or residence and travels freely about the Town of Willsboro. A free roaming cat may be owned, stray, born feral, abandoned or lost.

FERAL CAT - Any cat born and/or raised in the wild, or who has been abandoned or lost and turned to wild ways in order to survive and is not socialized or tame, nor comfortable with human contact

HARBOR - To provide food, water, or shelter.

AT LARGE - means (1) a cat on the premises of a person other than the owner of the cat, without the consent of an occupant or owner of such premises, or (2) on a public street or highway, on public or private school grounds, or in any other public place, except when under the physical control of an owner.

OUTDOORS - Any unsecured portion of premises in which a cat can move at will.

OWNER - Every person having a right of property in a cat and every person who has a cat in his or her keeping or any person who harbors a cat for more than 7 days or the adult member of a family in which a minor owner of a cat resides. Any firm, corporation, organization or department harboring, keeping or having an interest in or having control or custody of a cat.

NUISANCE - For the purposes of this article, "nuisance" will be considered any behavior of cats causing reasonable annoyance, damage to property, excrement, smell, noise or compromise to the quality of one's life, business or property

SECTION 5. PRESUMPTION OF OWNERSHIP

Any person harboring a cat shall be deemed to be the owner of such cat for the purposes of this article.

SECTION 6. ENFORCEMENT

This article may be enforced by any animal control officer, peace officer, or police officer in the employ of or under contract with the Town of Willsboro or performing his or her duties within the Town of Willsboro, or the Town Code Enforcement Officer or other designated Town officer. Such enforcement may include issuing of violation tickets, seizure of cats, redemption, and disposition. Such enforcement will be at the discretion of the attending officer or official. Neither the Town, its officers or employees, agents or officers of a duly incorporated society for the prevention of cruelty to animals, nor the persons or agencies authorized by the Town Board to enforce the provisions of this article shall be liable in damages or otherwise for the seizure, detention, adoption or euthanizing of any cat found without appropriate identification outside the residence of the owner, when done in compliance with the applicable provisions of the Agriculture and Markets Law.

SECTION 7. CAT IDENTIFICATION REQUIREMENTS

Any owner of any cat over four (4) months of age that shall be free roaming, as defined in this Article, at any time in any place other than the property or residence of its owner within the Town of Willsboro shall be required under the penalty of this article to identify said cat by affixing a collar to said cat or by permanent microchip. Such identification shall state the name, address and telephone number of the owner of the cat. All identification shall remain on the cat at all times. It will be a requirement of every free roaming cat owner to provide to authorities a certificate of spay/neuter and/or a rabies vaccination certificate on reasonable demand.

SECTION 8. OUTDOOR FEEDING OF CATS

It shall be unlawful for any person in the Town of Willsboro to place food or water in any manner that allows free roaming cats to have access to such food and water. If the owner of any cat desires to feed such cat out of doors, such owner must do so in a way that any other cat, not owned by such person, cannot access such food or water.

SECTION 9. CATS AT LARGE RESTRICTIONS

1. It shall be unlawful for any cat to be outside the residence of the owner at any time unless the cat wears a collar with identification tag affixed thereto or microchip specially designed for the identification of animals.

2. It shall be unlawful for any owner of, or any person harboring, any cat to permit or allow such cat, while in the Town of Willsboro to cause nuisance to any person other than the owner or person harboring such cat. This shall expressly include defecation on another's property, any damage or destruction to property, or any nuisance upon or near the premises of a person other than the owner or person harboring such cat.
3. It shall be unlawful for any cat to be allowed outside the residence of the owner unless it has been currently vaccinated for rabies, and spayed or neutered. A cat may be exempt from vaccination or the spay/neuter requirement by the Animal Control Officer or other designated Town Officer upon presentation of proof from a licensed veterinarian that vaccination and/or sterilization is not in the best interest of that particular cat.
4. Any cat running at large within the Town of Willsboro shall be subject to seizure and impounding by any agent or officer duly designated by the Town or authorized by the provisions of Article 26 of the New York State Agriculture & Markets Law. Every cat seized shall be humanely fed and cared for during seizure period, and shall be handled in accordance with the relevant provision of the Agriculture and Markets Law.

SECTION 11. PENALTIES

Any person convicted of a violation of this article shall be liable for a mandatory civil penalty of \$50.00 for a first violation, \$150.00 for a second violation and \$300.00 for a third violation and \$500.00 for each violation thereafter.

SECTION 12. RESTITUTION

Any person who is found to have violated any provision of this local law shall be subject to the payment of restitution to any person and/or property owner who suffered financial loss as a result of the violation. Such application for restitution may be made by the injured party either in connection with the proceedings to resolve an appearance ticket charging a violation of this section, or as a small claims petition filed with the Town Justice. In either case, the party asserting the right to restitution shall have the burden of establishing, by a preponderance of the evidence, their entitlement to the amount claimed. The violator shall have the opportunity to present evidence to rebut such claim.

SECTION 13. SEPARABILITY

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if provisions shall be deemed invalid or unenforceable, all other provisions shall remain valid and enforceable.

SECTION 14. EFFECTIVE DATE

This local law shall take effect on the date of filing with the Secretary of State.