

**VILLAGE OF BROCKPORT
Notice of Public Hearing**

Please take notice that the Board of Trustees of the Village of Brockport will hold a **public hearing beginning at 7:00 pm on Monday, March 18, 2019** at the Village Court conference room 49 State Street, Brockport, NY 14420 to consider proposed Local Law of 2019 to amend Brockport Village Code Chapter 5: Animals.

The proposed amendments relate to cats and chickens.

Text of the proposed local law is available for public inspection during normal business hours at the Village Clerk's office and is on the Village website at www.brockportny.org.

All interested parties will be given the opportunity to be heard.

By Order of the Brockport Village Board

Leslie Ann Morelli
Brockport Village Clerk

Dated: 2/5/19

For publication in Suburban News and posting on Village website and at Village Hall.

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~~Cats in the Village of Brockport have in some instances been allowed to roam free on property of others and are causing annoyance and damage to the persons and properties of others. Therefore, the Village Board of the Village of Brockport enacts the following article to protect the health, safety and property of others from annoyance and damage caused by cats, and to establish the responsibility and liability of cat owners arising from the conduct of their pets.~~

§ 5-19 Title.

The title of this article shall be the "Cat Control Law of the Village of Brockport." The regulations in this chapter ~~are to~~ shall be enforced in conjunction with NYS Agricultural and Markets Law. The more restrictive shall apply.

§ 5-20 Definitions.

As used in this article, the following ~~words shall have the following respective meanings.~~ definitions apply

Abandoned Cat

~~A cat of any age which shall be~~ Any cat left unattended or unclaimed or at large for a period exceeding 72 hours.

Animal Warden

Any Code Enforcement or Police Officer or ~~any other officer or agency or an agent~~ designated by the Village of Brockport board of Trustees.

At Large

~~A cat not confined, outside an area of escape such as a pen, corral, yard, cage, house, vehicle, or other secured enclosure, unless otherwise under appropriate human control.~~

Cat

Any animal of feline species

Community Cat

Any cat that is abandoned, at large or feral.

Domesticated

A domesticated ~~or tamed~~ animal kept for companionship or pleasure.

Ear Tipping

A straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral

A cat in a wild state, not domesticated.

Neuter

To permanently sterilize male cats to render them incapable of impregnating female cats. ~~by means of either surgery performed to remove the reproductive organs or chemical sterilization by which cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.~~

Owner

Every person having a property right in a cat and every person keeping, harboring or feeding a cat for more than 48 hours. This provision shall not include a person who keeps or feeds a cat on behalf of an owner at the owners request to accommodate the owner's temporary needs.

Persons

An individual, firm, partnership, corporation or association or persons.

Nuisance Cat

A cat that causes damage to public or private property or causes harm to any person.

Spay

To permanently sterilize female cats to prevent estrus (heat) cycles and eliminate their abilities to become pregnant. ~~by means of either surgery performed to remove the ovaries and uterus or chemical sterilization by which the cats are injected with a drug approved by the United States Food and Drug Administration for the purpose.~~

Sterilize

To spay or neuter a cat.

Trap, Neuter, Vaccinate and Return Program (TNVR)

A program in which community cats are humanely trapped, evaluated, vaccinated, sterilized and ear tipped by a veterinarian and returned to the trap location with the intent of controlling or reducing feline population and reproduction.

Veterinarian

A person licensed to practice veterinary medicine in the State of New York.

§ 5-21 Restricted acts.

It shall be unlawful for any owner of or any person harboring any cat to permit or allow such cat in the Village of Brockport to:

A.

Urinate or to defecate in such a way as to cause annoyance to any person other than the owner or person harboring such cat.

B.

Cause damage or destruction to property or to commit a nuisance upon the premises of a person other than the owner or person harboring such cat.

§ 5-22 Judicial jurisdiction.

[Amended 12-15-2014 by L.L. No. 4-2014]

Any Village Justice of the Village of Brockport shall have jurisdiction to hear all actions and proceedings hereunder and of all prosecutions for the violation of this article.

§ 5-24 Appearance tickets.

The Animal Warden, having reasonable cause to believe that a person has violated this article, shall issue and serve upon such person an appearance ticket for such violation **returnable to the Brockport Village Court.**

§ 5-25 (Reserved) [1]

[1]

Editor's Note: Former § 5-25, Enforcement, seizure of cats at large, was repealed 6-20-2005 by L.L. No. 2-2005.

§ 5-26 Notification and redemption procedures; fees.

A.

For any cat seized pursuant to § 5-25 above, the following notification and redemption procedure shall be followed:

(1)

Unidentified cats shall be held for a **minimum** period of five days from the day of seizure, during which time the owner may redeem the cat.

(2)

For identified cats, the owner shall be notified personally or by certified mail, return receipt requested, of the facts of the seizure and the redemption procedure. If notification is made personally, the cat shall be held for a **minimum of seven days** after the day of notice; if notification is made by mail, the cat shall be held for a **minimum period of nine days**, during which period the owner may redeem the cat.

B.

In either of the above cases, the owner must produce proof of current vaccination against feline rabies and pay seizure fees and impoundment fees in order to redeem the cat. The seizure and impoundment fees shall be as set, from time to time, by the Village Board of Trustees.

§ 5-27 Failure to redeem.

If not so redeemed, the owner shall forfeit all title to the cat, and the cat **may** be sold or destroyed by the Animal Warden. In the case of sale, the purchaser **must may be required to** pay all accrued charges and have said cat vaccinated against feline rabies. ~~if proof of vaccination does not already exist.~~ The Animal Control Officer who destroys or has destroyed a cat shall make written report of such destruction and disposition to the Village Clerk, who shall keep a record thereof. **(e.g. I killed the cat. The cat is dead)**

§ 5-28 Penalties for offenses.

[Amended 6-20-2005 by L.L. No. 2-2005]

A violation of this article shall be deemed a violation, which shall be punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.

§ 5-29 Severability; repealer.

If any section, paragraph, subdivision, clause or provision of this article shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this article shall be deemed valid and effective. Any ordinance or part thereof in conflict herewith is hereby repealed.

§ 5-30 Trap, Neuter, Vaccinate and Return Program (TNVR).

TNVR of community cats shall be legal in the Village of Brockport, and . Interested citizens are encouraged to participate in and support TNVR activities on a voluntary basis.

A.

All persons who attempt to trap community cats for TNVR in the Village of Brockport shall be familiar with the guidelines supported by regional and national feral and community cat organizations regarding appropriate methods of TNVR and shall advise the Village of such activity.

B.

Socialized cats subject to TNVR shall be eligible to be, but not mandated to be, re-socialized and put up for adoption.

C.

An ear-tipped cat received by local shelters shall be returned to the location where trapped unless veterinary care is required. A trapped, ear-tipped cat shall be released on site unless veterinary care is required. TNVR programs shall be permitted to feed, water and care for trapped cats until they are released.

Chapter 5 Article IV

TBD - Harboring or possessing Chickens.

A.

A maximum of six chicken hens and zero roosters are allowed on any size lot occupied by one single-family, detached dwelling.

B.

General rules and regulations:

(1)

a) Any building/coop for sheltering the hens shall be located in the rear yard, a minimum of 10 feet from any lot line, a minimum of xx feet from any dwelling, shall not exceed 144 square feet in total floor area, and shall not exceed 10 feet in height from grade.

b) Chickens' quarters shall be kept in a clean and sanitary condition and shall be adequately ventilated and protected from weather.

c) Chickens' quarters shall be constructed of ordinary construction materials using ordinary construction techniques. Improvised shelters such as, but not limited to, truck caps, tanks or vessels, truck bodies et al, are specifically prohibited.

(2)

No person or persons shall maintain, harbor, keep or possess chickens of any description in such a manner as to create offensive odors or unsanitary conditions.

(3)

No person shall keep, harbor, maintain or possess any chickens in such a manner as to cause a disturbance of the peace or to in any way interfere with the quiet use and possession by any person or persons of his or her property.

(4)

Chickens shall be kept for personal use only.

(5)

Fencing/ restraint systems shall always be maintained and in working order. Loose birds found or photographed anywhere other than the rear yard of the premises shall be considered prima facie evidence of inadequate restraining systems.