

*Local Law Filing*

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TOWN OF WHITEHALL

**Local Law No. 1 of the year 2015**

**A local law** entitled “Regulation the Control of Domestic Animals, Including Cows and Horses Within the Town of Whitehall, Local Law No. 1 of 2015.”

**Be it enacted by the** Town Board of the Town of Whitehall as follows:

Section 1. State of Intent. The Town Board of the Town of Whitehall recognizes that failure to confine cattle, horses and other domestic animals and allowing said animals to roam free and to trespass on public and private highways unattended and on public and private lands without permission of the owner or possessor of such lands, are injurious to the health, safety and welfare of the Town of Whitehall.

Section 2. Enacting Clause. This local law is adopted pursuant to the authority granted under (1) New York State Town Law §130(9); New York Municipal Home Rule Law §§10(1)(i) and 10(1)(a)(11) and (12); and New York Agriculture and Markets Law §124.

Section 3. Definitions. As used in this local law, the following terms shall have the meanings hereinafter designated.

- A. Cattle – shall mean one or more calves, heifers, cows, bulls, steers, oxen or other bovines.
- B. Domestic Animals – includes any dogs, horses, cows, birds, fowl, geese, ducks, chicken or reptiles or any other domestic 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 or horses are entered on 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 on documentary or oral evidence.
- E. Possessor – shall mean any person having cattle or horses in his possession or under his control, whether as a bailee or other agent of the owner.

- F. Person- shall mean corporations, partnerships, unincorporated associations, as well as individuals.
- G. 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 4. Confinement of Cattle and Horses. Every owner and/or possessor of cattle and horses or domestic 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 5. Presumption. If such domestic animals are found unattended on 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/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 be on the owner and/or possessor of such animals.

Section 6. Impoundment. Any animal which shall be found running at large within the Town of Whitehall in violation of this local law may be seized by any dog control officer, any peace officer, or any agent of the Town whose duty it is to restrain said animal. Said animal shall thereupon be delivered to an authorized impoundment agency employed or designated by the Town and redeemed by the owner thereof by the payment to said impoundment agency of the applicable fees as shall be established by the impoundment agency for redemption of said animal, plus any fees of said impoundment agency to the confinement of said animal. If said animal is not redeemed within five (5) days after seizure thereof, the owner of said animal shall forfeit all title or right to the same and said animal shall be offered for adoption or destroyed as provided by law.

Section 7. Penalties. Any and every violation of the provisions of this local law by any person shall be deemed to be an offense against such local law, punishable by fine not exceeding one hundred dollars (\$100.00) or imprisonment not exceeding fifteen (15) days or both. Every day that such violation occurs shall be constitute a separate violation, punishable by the penalties set forth herein.

In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with this local law.

Section 8. Severability. If any article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective Date. This local law shall take effect on the date of filing with the department of state in accordance with the provisions of the Municipal Home Rule Law.

Dated: *June 10, 2015*