

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

Village of Wellsville Local Law No. 5 of the year 1999

A local law to limit the ownership, possession and sale of reptiles in the Village of Wellsville

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

ARTICLE I - Policy

The Board of Trustees having determined that the presence of reptiles in the Village of Wellsville may cause danger, fear, alarm, or annoyance to members of the public, it is hereby declared to be a policy of the Village of Wellsville to regulate and control the ownership, sale, possession and harboring of same.

ARTICLE II - Prohibitions; Licensing

- A. No person or entity shall own, harbor, or possess a poisonous reptile.
- B. No person or entity shall own, harbor or possess a non-poisonous reptile without first obtaining a license from the Village of Wellsville.
- C. No person or entity shall own, harbor or possess a licensed non-poisonous reptile:
 1. In a public place;
 2. In any area of a non-residential building or structure from which there is direct access to an area or place which is open to the public;
 3. In a motor vehicle, trailer, or unit attached to or towed by a motor vehicle, unless the reptile is contained in an enclosed container or device which will prohibit freedom of movement and escape, and then only for the purpose of transporting the reptile directly between locations where such owning, harboring or possession are not prohibited under this law;
 4. In a multiple unit residential building or structure unless the owner or possessor of the reptile shall have current, written notarized consent of all adult tenants or residents of the building whose premises within the building have direct access to the place where the

reptile is harbored or possessed, and of the owner of the building or structure. Consent may be withdrawn at any time, for any reason. If ownership or occupancy of the building changes, new consent(s) shall be required;

5. In a manner which may allow the reptile to escape or cause annoyance, fright or alarm.

ARTICLE III - License Standards; Exceptions

- A. A person or entity operating a pet store may own, harbor, possess or hold for display and sale non-poisonous reptiles, provided such person or entity first obtains a license to do so from the Village Clerk.
- B. A school or other educational facility operating under the control or authority of the Board of Regents of the State of New York may own, harbor or possess a non-poisonous reptile for educational purposes, provided it first obtains a license to do so from the Village Clerk.
- C. Standards for the issuance of licenses shall be established by the Mayor or Board of Trustees, which shall take into consideration the size, other physical characteristics, nature and propensities of the reptile. Applications for licenses for reptiles to be harbored in multiple residential buildings shall be supported by the written consents provided for herein. Any license issued hereunder shall be subject to such terms, conditions and restrictions as the Mayor or Board of Trustees may establish to implement the intent of this local law.

ARTICLE IV - Public Nuisance

- A. Any reptile found in any place or area prohibited or proscribed by this Local Law, or any reptile found loose or unattended, or any poisonous reptile, is hereby declared to constitute a public nuisance, and any peace officer or, in an emergency, any other person may, with regard to such reptile;
 - 1) Destroy it, or
 - 2) Seize it as evidence, or
 - 3) Take it into custody for disposition as may be appropriate to the circumstances.
- B. Any person not a peace officer who shall destroy or otherwise take a reptile into custody under the provisions of this Article shall notify the Wellsville Police Department as soon as possible under the circumstances. The Department may take into custody any reptile so seized and may dispose of it in accordance with Section A of this Article.
- C. Action taken by a peace officer, or by any other person acting in an emergency situation, in destroying, seizing, or taking into custody any reptile, shall not subject such person or the Village to liability if it is established that the peace officer or other person had reasonable grounds to believe that the reptile constituted a nuisance as provided in this Article, even should it be determined that the reptile was not owned, possessed or harbored in violation of this Local Law.

ARTICLE V - Violations and Penalties

- A. Any violation, non-compliance or non-conformance with Article II, Section A hereof shall constitute a misdemeanor punishable by imprisonment for not more than three (3) months, a fine of not more than five hundred dollars (\$500.00) or both.
- B. Any violation, non-compliance or non-conformance with any other section of Article II hereof shall constitute a violation punishable by a fine of not more than two hundred fifty dollars (\$250.00).

ARTICLE VI - Authorization

- A. The Mayor or Board of Trustees is hereby authorized to establish standards, rules and regulations governing the issuance of licenses, and terms, conditions and restrictions under which they are obtained, held or terminated, and such other rules and regulations as may be required.
- B. Any rules or regulations of the Mayor or the Board of Trustees, as authorized by this Article, shall become effective upon filing with the Village Clerk.

ARTICLE VII

No provision or language of this local law shall be construed as superceding or limiting any provision of the Agriculture and Markets Law or any other law.

ARTICLE VIII

If any clause, sentence, paragraph, section or part of this Local Law or any rule or regulation established hereunder shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE IX - Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.