

LOCAL LAW NUMBER 5 OF 2023 OF THE VILLAGE OF EVANS MILLS

**A Local Law Restricting the Keeping of Livestock and
Wild Animals Within the Limits of the Village of Evans Mills**

Be it enacted by the Board of Trustees of the Village of Evans Mills as follows:

Section 1. Authority

This local law is enacted pursuant to the provisions of the New York Municipal Home Rule Law and the New York Village Law.

Section 2. Purpose

The purpose of the Proposed Local Law is to establish regulations concerning the keeping of livestock and wild animals within the limits of the Village of Evans Mills (the "Village"), and to establish a process for the permitting of certain animals upon application to the Village Board, in order to promote and maintain the health, safety and general welfare of the Village and its community.

Section 3. Regulation of Animals in the Village

See the attached text.

Section 4. State Environmental Quality Review Act (SEQRA)

The Board of Trustees of the Village of Evans Mills has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds that the proposed local law will not result in any significant adverse environmental impacts. Therefore, no further review is required under SEQRA.

Section 5. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This Local Law shall take effect immediately on filing in the office of the Secretary of State.

ARTICLE I: REGULATION OF LIVESTOCK AND WILD ANIMALS

1. **Definitions**

- A. "Domestic Animal" shall mean any animal of a species commonly used or known as a "household pet," including dogs, cats, birds, rabbits, and fish.
- B. "Livestock" shall mean any animal commonly considered a farm animal, including, but not limited to, horses, ponies, goats, cows, sheep, chickens, ducks, llamas, alpacas, pigs, and donkeys.
- C. "Wild Animal" shall mean any animal, bird or reptile, of a species dangerous to human beings or living ordinarily at large and not customarily considered a household pet without regard to whether a specific animal is considered a pet or domesticated by its keeper or possessor and shall include, but not be limited to, deer, foxes, coyotes, skunks, raccoons, squirrels, turkeys, pigeons, bears, reptiles, snakes, weasels, bats, porcupines, and wolves.

2. **Prohibited Conduct.**

No person, firm or corporation shall breed, raise, harbor or maintain any livestock or wild animal within the limits of the Village of Evans Mills.

3. **Permit Required for Certain Animals.**

Any person, firm or corporation wishing to harbor, keep, raise or maintain any chicken hen, duck, or snake within the limits of the Village of Evans Mills must first obtain a permit from the Code Enforcement Officer. **Once the permit is ready, Code Enforcement will have the permit ready in the Village Office.**

4. **Application for Permit; Fee.**

Each application shall be submitted on the official form prescribed by the Village and accompanied by a non-refundable permit fee of **twenty dollars (\$20)**, or such amount as may be established by the Board of Trustees by resolution. One application will cover all animals present at the residence at the time of submission.

5. **Application of Permit.**

Each permit issued as provided in this article shall expire five (5) years from the date issued. Applications for renewal of an existing permit may be submitted no earlier than six (6) months prior to the expiration of the existing permit. A permit issued as provided in this article shall not be transferable.

6. **Conditions of Permit.**

Permits for the purposes contained in Section 2 shall be uniform and may, in the discretion of the Board of Trustees, contain provisions and conditions, which, in its judgment, may be essential for the welfare and benefit of the people of the Village.

7. **Revocation of Permit.**

- A. Any permit issued under the provisions of this article may be revoked by the Board of Trustees for any violation of the provisions of this article, or for the violation of any condition contained in the permit.

- B. Notice of its intention to consider the revocation of such permits shall be served upon the party named in the application therefor either by delivering the same to them personally, or by mailing the same to the address given in the application for the permit, at least five (5) days before the considering of such revocation, which notice shall state the time and place when and where the Board of Trustees will consider the question of such revocation.
- C. The person so notified of the intention to consider revocation, as aforesaid, shall be permitted to enter a defense either personally or through counsel and if the charge made in such notice be established, the Board of Trustees may suspend or revoke said permit.
- D. The determination of the Board of Trustees shall constitute the final determination of the Village for purposes of commencing the statute of limitations for judicial review pursuant to Article 78 of the Civil Practice Law and Rules.

8. Criteria for Permit Issuance.

- A. ~~No more than a total of six (6) chicken hens or ducks and~~ No more than one (1) snake shall be allowed for each single-family dwelling or multifamily dwelling.
- B. No permit shall be granted for a multifamily or duplex dwelling without the written consent of the property owner and all tenants.
- C. No permit shall be granted for roosters.
- D. The coops or cages housing such chicken hens or ducks may not be located in the front yard or side street areas of a property, and coops or cages must be located a minimum 10 feet from any side or rear property line and at least 25 feet from the nearest dwelling not owned by the applicant.
- E. Chicken hens and ducks shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage in breeding or fertilization production for any commercial purpose. Slaughtering of any chicken or duck must be performed within an enclosed structure and not visible to other residents or passerby.

9. Sanitation and Nuisances.

- A. The chicken hens or ducks shall be kept within both a coop and fenced outdoor enclosure.
- B. The chicken or duck coop must be covered, have adequate protection from predators, well-ventilated and provide a minimum of two square feet per bird. The outdoor enclosure shall be adequately fenced to contain the chickens or ducks and to protect them from predators.
- C. The coop, cage and outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste. Such waste, pending disposal, shall be kept stored in tightly covered metal containers, or in such a manner as shall be approved by the Board of Trustees so as not to create a nuisance.