



VILLAGE OF BROCKPORT

127 Main Street · Brockport, New York 14420
Telephone (585) 637-5300 · Fax (585) 637-1045
Website: www.brockportny.org

*The Victorian Village on the Erie Canal
Preserve America Community
Listed on the State and National Registers of Historic Places
Certified Local Government
Tree City USA Community
Erie Canalway Heritage Award of Excellence
NYS Climate Smart Community
NYS Clean Energy Community*

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, April 15, 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.

Please note that the proposed local law was re-worked after the first version which was the subject of a March 18, 2019 public hearing.

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: 4/1/19

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

Mayor Margaret B. Blackman
Trustee/Deputy Mayor John D. LaPierre
Trustees Annette M. Crane, Shawn Halquist, Katherine J. Kristansen

ARTICLE III COMMUNITY CAT PROGRAM

Section 5-18 INTENT

The Village of Brockport Board of Trustees recognizes that state law preempts the Village from regulating cats that are lost, strayed, homeless and/or abandoned pursuant to New York Agriculture and Markets Law Chapter 26 regulating said animals. The Board further recognizes that the Agriculture and Markets Law does encourage municipalities to promote humane population control programs for said animals. Therefore, the Board finds and declares that a community cat program is an effective method to both care for and meet the public's desire to see community cats cared for in a humane manner. It improves neighborhood tranquility and public health, while at the same time reducing the number of community cats, 'nuisance' complaints, impound and killing, and wasteful expenditures of public and private resources.

Section 5-19 Definitions

- (a) *Cat*.—the term 'cat' means a member of the species *Felis catus*.
- (b) *Community cat*.—the term 'community cats' means a free-roaming cat.
- (c) *Ear-tipping*.—the term 'ear-tipping' means the removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian.
- (d) *Community cat caretaker*.—the term 'community cat caretaker' means a person who provides care to one or more community cats. However, community cat caregivers are not the owner, harbinger, controller, or keeper of a community cat.
- (e) *Community cat program*.—the term 'community cat program' means the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and releasing community cats to their habitats .
- (f) *Colony* — A group of one or more community cats.
- (i) *Sterilize* — To spay or neuter a cat to render it incapable of reproduction.
- (j) *Trap, Neuter, Vaccinate, and Return or TNVR or TNR* — 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 humanely controlling or reducing feline population and reproduction.

(k) *Veterinarian* — A person licensed to practice veterinary medicine in the State of New York.

Section 5-20 Implementation

- A. 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. Persons who are actively engaged in TNVR activities may register with the Village Clerk.
- B. 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.
- C. An ear-tipped cat received by local shelters shall be returned to the location where trapped unless veterinary care is required.
- D. A trapped, ear-tipped community cat shall be released on site unless further veterinary care is required, in which case the cat will be returned once the animal no longer needs care.
- E. A community cat caretaker may reclaim a community cat if impounded at a local shelter or impoundment facility, without fee, if sterilized or for purposes of placing the cat in a community cat TNR program.
- F. Trapping of a community cat is only permitted for purposes of a community cat program, providing needed veterinary care, adoption, transfer to a rescue group, or reunification with his/her owner.
- G. Socialized cats and all kittens subject to TNVR shall be eligible to be, but not mandated to be, re-socialized and put up for adoption.
- H. It shall not be a violation of this section to determine that the best course of action for a particular cat, or cat colony, is to be left alone.
- I. Leash laws, stray laws, licensing laws, and limitations on the number of cats owned, kept, held, or harbored, and feeding bans shall not apply to community cat caretakers.
- J. All enforcement officers shall use appropriate opportunities to inform stakeholders about TNVR.
- K. The Village of Brockport shall implement and administer this article in consultation with community cat welfare experts who make themselves known to the Village Board.

Chapter 5 Article IV

TBD - Harboring or possessing Chickens.

A. Permit requirements:

- (1) Upon successful application including payment of the permit fee and proof of adequate shelter and fencing, a tri-annual permit will be issued to allow a maximum of six (6) chicken hens and zero roosters on any lot occupied by one single-family, detached dwelling.
- (2) The permit shall be renewed every three (3) years for as long as chickens are harbored on the property.
- (3) Permit fees shall be established by the Village Board and published in the Village Fee Schedule.

B.

General rules and regulations:

- (1) Required setback and shelter requirements:
- (2) A structure to shelter the hens shall be located in the rear yard, a minimum of 10 feet from any lot line and a minimum of 15 feet from any dwelling. The coop shall not exceed 144 square feet in total floor area and shall not exceed 12 feet in height from grade.
- (3) 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.
- (4) Chickens' quarters shall be kept in a clean and sanitary condition and shall be adequately ventilated and protected from weather.

C.

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

D.

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.

E. Private Use Only

(1) Chickens shall be kept for personal use only.

F. Restraint systems and requirements:

- (1) Fencing / restraint systems shall be installed and maintained to confine chickens to the rear and or side yards behind the front setback of the home.
- (2) Loose chickens observed or photographed anywhere other than the rear and or side yard of the premises shall be considered prima facie evidence of inadequate restraining systems.

(G) Penalties

(1) Any person, corporation or other entity who violates a provision of this Article shall be guilty of a violation and shall be subject to imprisonment not to exceed fifteen days or a fine not to exceed \$250 or both such fine and imprisonment.