New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(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.

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

FILED
STATE RECORDS
DEC 30 2022
DEPARTMENT OF STATE

of Village of Sherman

Local Law No. 2 **of the year 20**22

A local law At-large Cats
(Insert Title)

Be it enacted by the Village Board of Trustees **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Sherman **as follows:**

Be it enacted by the Village Board of the Village of Sherman, County of Chautauqua, and New York State, as follows:

SECTION 1. AUTHORITY
This local law is promulgated pursuant to the authority granted by:
A) Article IX of the New York State Constitution § 2(c)(10);
B) New York Statute of Local Governments, § 10(1) and (7);
C) New York Municipal Home Rule Law, § 10(1)(i) and (ii) and § 10(1)(a), (11), (12), and (14);
D) New York Village Law Section 4-412.

SECTION 2. TITLE.
The Village Board of the Village of Sherman hereby adopts the At-large Cats Local Law as follows:

SECTION 3. PURPOSE AND INTENT.
The purpose of this chapter is to protect the health, safety, and wellbeing of persons and property by imposing restrictions on the keeping and running of at-large cats within the village. The intent of the regulation is to prevent the uncontrolled behaviors of cats that cause physical harm to persons, damage to property, and those that create nuisances within the village, including the spread of disease to other animals.

SECTION 4. DEFINITIONS.
For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them as follows:

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2022 of the (County)(City)(Town)(Village) of Sherman was duly passed by the Village Board of Trustees on December 14th 2022, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

~~**3. (Final adoption by referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__ , became operative.

6. ~~(County local law concerning adoption of Charter.)~~
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 12-19-2022

ANIMAL CONTROL OFFICER - Any person appointed by the Village of Sherman to assist in the enforcement of this chapter and Article 26 of the Agriculture and Markets Law or any authorized officer, agent, or employee of an incorporated Humane Society or similar incorporated animal protection association under contract with the Village of Sherman to assist in the enforcement of this chapter and Article 26 of the Agriculture and Markets Law.

AT-LARGE - Not confined, escaped, outside an area of confinement such as a pen, corral, yard, cage, house, vehicle, or other source enclosure, unless otherwise under appropriate human control.

BEST FEEDING PRACTICES - Best feeding practices means a person supporting one or more community cats which shall adhere to the following: (1) feeding is conducted on a regular schedule; (2) feeding is limited to the offering of food intended for community cats to approximately one hour per day; (3) providing only food appropriate for cats, and not scraps or other foods that may be dangerous, deadly, or hazardous, to other cats or other animals; (4) the community cat feeding area is kept clean and free of trash; (5) food and/or water intended for community cats is kept in containers and not on the ground; and (6) feeding shall be conducted only within the confines of the property of the person engaged in TVNR practices.

CATS - Both male and female.

COLONY - Group of one or more community cats.

COMMUNITY CAT - Any cat that is: (1) homeless, stray, or at-large, where the cat: (a) has been socialized to people, or is less than five weeks old; (b) could become feral as connection with humans is farther removed; and (c) in the case of cats older than five weeks, has a good potential to quickly become domesticated once again; or (2) where a cat is considered feral; or (3) a cat that lives in the community but is not owned by a human; sometimes referred to as a "free-roaming" or "street" cat.

DOMESTICATED CAT - A cat: (1) that is social towards humans; (2) that currently lives within the residence or on the property of a person or persons accepted as the cat's owner; and (3) that is considered appropriate as a companion for humans.

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

FERAL CAT - When the cat: (1) is not socialized toward humans; (2) is born in the wild; or (3) is a formerly owned cat that has been abandoned.

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 the cat is injected with a drug approved by the United States Food and Drug Administration for that purpose.

OWNER - Any person owning, keeping, harboring, or having the care, custody, or control of any cat, and when any such owner shall be a child under the age of sixteen (16) years, the head of the household in which such child resides shall be deemed to be the "owner" of such cat for all purposes.

SPAY - To permanently sterilize female cats to prevent estrus (heat) cycles and eliminate their ability to become pregnant by means of either surgery performed to remove the ovaries and uterus or chemical

sterilization by which the cat is injected with a drug approved by the United States Food and Drug Administration for that purpose.

STERILIZE - To spay or neuter a cat.

TRAP, VACCINATE, NEUTER, AND RETURN/RELEASE PROGRAM (TVNR) - Often referred to as "Trap Treat and Release" or "TNR": is a program in which community cats are humanely trapped, which sometimes requires feeding, evaluation, vaccination, sterilization, and ear-tipping by a veterinarian, and which may be returned to the trap location with the intent of controlling and reducing feline population and reproduction.

VETERINARIAN - A person licensed to practice veterinary medicine in the states of New York or Pennsylvania.

VILLAGE - The Village of Sherman.

SECTION 4. GENERAL PROVISIONS.

1. **Exempt Cats.**
   Any cats kept inside the main structure (house), shall be exempt from this law. Barns, Garages are not considered main structures.

2. **Registration.**
   A. Cats allowed outside within the Village of Sherman must be registered with the Village Clerk.
   B. Cats shall be chipped, have current rabies vaccines, must be spayed, or neutered; and owner will show proof at time of registration with the Village Clerk.
   C. The one-time registration for each individual cat is good for the life of the cat.

3. **Registration Fee.**
   A registration fee shall be established by resolution of the Village Board of Trustees of this Village of Sherman. Such fee schedule may thereafter be amended from time to time by like resolution.
   A. A one-time registration fee will be collected at registration of the cat with the Village Clerk.
   B. No annual or additional fees will apply so long as the cat is found to have current vaccines and is otherwise in compliance with this chapter.

4. **Vaccinations.**
   Proof of rabies vaccine is required at time of registration. Owners are responsible to continue vaccinating the cat and overseeing the health of the cat. The animal control officer or enforcement officer may periodically request proof of updated vaccinations and inquire into the health of the cat.

5. **Running at-large of cats.**
   No cat shall be permitted to be at-large or allowed to run at-large within the Village, except that a cat may be upon the private property or premises of another only with the knowledge, consent, and approval of the owner of such premises.

6. **Damage or injury to persons or property.**
No person who owns or has control of a cat shall permit or suffer such cat to damage or destroy property of any kind of another person, to attack or bite any person peaceably conducting himself in any place where such person may lawfully be, or attack, chase, injure or kill any domestic animal or cat of another person when such animal is in any place where it may lawfully be; for the purpose hereof, when any cat is at-large contrary to the provisions of this chapter and commits any such acts, the owner or person in control shall be deemed to have permitted or suffered the cat to have committed such acts.

7. **Noise.**
No person shall keep, suffer, or permit to keep on the premises of the owner or person having control of such cat, any cat which by its continual howling or whining or other frequent or long-continued noise shall unreasonably disturb the comfort or repose of any other person.

8. **Sanitary conditions.**
No person who owns a cat shall permit the premises, structure, or enclosure in which such cat is kept, to be unclean or unsanitary.

9. **Presumption of lack of consent.**
In any enforcement proceedings hereunder, it shall be presumed that, a cat on the premises of one other than its owner is there without consent of the owner of such premises, unless the owner of the cat proves such consent.

10. **Nuisances prohibited.**
It shall be unlawful for any owner of any cat in the Village to permit or allow such cat to:
A. Engage in habitual loud howling, crying, or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such cat.
B. Uproot, dig, or otherwise damage any vegetation, lawns, flowers, garden beds or other property without the consent or approval of the owner thereof.
C. Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
D. Create a nuisance by defecating, urinating, or digging on public property or on private property without the consent or approval of the owner of such property.

11. **Seizure, redemption, and disposition of cats.**
The animal control officer, enforcement officer, or any police officer shall seize any cat found to be in violation of this chapter or in violation of the provisions of Article 26 of the Agriculture and Markets Law of this state, and such cat shall be impounded, redeemed, euthanized, or sold as provided in Article 26 of the Agriculture and Markets Law of this state, and the owner of such cat shall pay the cost of seizure, treatment, and impoundment as provided therein.

12. **Limitation on number of animals; special permit fee.**
An owner shall board no more than three cats at one time without a special permit by the Village at a charge, as set from time to time by resolution of the Village Board of Trustees, per additional cat. Any cat litter will be allowed 10 weeks from birth before they must be removed from owner's

premises, or a special permit shall be obtained from the clerk approved by the animal control officer or enforcement officer.

13. Enforcement.

The animal control officer and enforcement officer are hereby charged with the duty of enforcing this chapter and shall be authorized to issue such process as is necessary to bring violators before the court upon being satisfied that the person to whom such process is issued is in fact the person chargeable with the violation.

14. Penalties for offenses.

In addition to reimbursing the Village for the cost of seizure, treatment, and impoundment:

A. Any violation of this chapter shall be deemed an offense punishable by a fee schedule that shall be established by resolution of the Village Board of Trustees of this Village of Sherman. Such fee schedule may thereafter be amended from time to time by like resolution.

B. Violation of the provisions of Article 26 of the Agriculture and Markets Law of this state, and any other applicable law of the State of New York, shall be deemed an offense punishable by such fine and imprisonment as stated in Article 26 of the Agriculture and Markets Law of this state, and any other applicable law of the State of New York.

15. TVNR Program.

General provisions for a local TVNR Program:

A. TVNR of community cats shall be legal in the Village of Sherman and interested citizens are encouraged to participate in and support TVNR activities on a voluntary basis on their own private property or residence.

B. All persons who attempt to trap community cats for TVNR in the Village of Sherman should be familiar with the guidelines supported by regional and national feral and community cat organizations, as well as the American Veterinary Medical Association (AVMA), regarding appropriate methods of TVNR.

C. Socialized cats and all kittens subjected to TVNR shall be eligible to be, but not mandated to be, re-socialized and put up for adoption.

D. 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.

E. Animal control officers shall use appropriate opportunities to inform stakeholders about TVNR.

F. It shall not be a violation of this chapter to determine that the best course of action for a particular cat, or cat colony, is to be left alone.

G. The Village of Sherman shall designate an official to oversee the program and that individual shall implement and administer this chapter with the goal of reducing the community cat population via TVNR, in consultation with the community cat welfare experts including the Rescue, Chautauqua County Humane Society, Operation Pets, Feral Cat Focus and other organizations that may be identified by the Village of Sherman.

SECTION 5. TERMS AND CONDITIONS.

Conflicting Statutes - All ordinances, local laws, or parts thereof in conflict with the provisions with this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

Severability - Should any clause, sentence, paragraph, subdivision, section, or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or other part thereof directly involved in the controversy in which such judgement, decree, or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.

SECTION 6. EFFECTIVE DATE.

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