

**ADOPTION BY THE TOWN BOARD OF THE TOWN OF SPRINGFIELD OF LOCAL LAW NO. 2 OF 2023
CAT CONTROL AND REGULATIONS FOR THE HAMLETS-COMMERCIAL DISTRICTS, TOWN OF
SPRINGFIELD, OTSEGO COUNTY, NEW YORK**

ARTICLE 1 TITLE, ENACTMENT, AND PURPOSE

Section 1.1 Title

This Local Law shall be known and may be cited as “Cat Control and Regulations for the Hamlets-Commercial Districts, Town of Springfield, Otsego County, New York”, adopted as Local Law No.2 of 2023.

Section 1.2 Enactment

Be it enacted by the Town Board of the Town of Springfield, Otsego County, New York as follows:
This Cat Control and Regulation Law is adopted and enacted pursuant to the power and authority granted by the New York State Constitution, Article IX, Municipal Home Rule Law of the State of New York, Articles 2 and 3, Statute of Local Governments, Article 2, the Town Law of the State of New York, Article 16, Environmental Conservation Law Articles 17 and 27, and New York State Public Health Law §228(2) and Chapter 45 Article 21, Title 4 Section 2140, 2141, and Section 2142 in conformance with the Comprehensive Plan for the Town of Springfield.

Section 1.3 Purpose and Intent

This Cat Control and Regulations Law is created in accordance with, and as a means to implement the adopted Town of Springfield Comprehensive Plan to protect and promote public health, safety, and general welfare of the Town. This Law is designed to control and regulate the number of cats running at large in the Hamlets Districts which are densely populated.

1. Safety hazards to vehicles and bicycles as they swerve to avoid cats on the Public Highway;
2. Damage to local business and residences due to deposits of extreme amounts of feces and urine and trying to get in buildings in the vicinity due to cats running at large;
3. Health risks to children, residents, patrons, and visitors who may come into contact with diseased cats;
4. This Local Law when read in conjunction with The Zoning Law of 2017 will enhance the ability of the Town to protect the safety, welfare, and property of its residents and visitors.

Section 2.0 Definitions:

Animal Control Officer: The person authorized by the Town Board, by resolution, to enforce the provisions of this Local Law. The Animal Control Officer shall have all the powers of a constable or other peace officer in the execution of the provisions of this article, including the service of a summons, the issuing and serving of an appearance ticket and the service and execution of any other order of process, notwithstanding any provision of the Uniform Justice Court Act and also including such authority as is authorized under the New York State Agricultural and Markets Law.

Authorized Agency: Any agency, not-for-profit group or other association formed for the purposes of assisting the owners of cats and feral cat harborers with the proper care, shelter and protection of same, as designated by the Town of Springfield Town Board by resolution.

Owner: Any person who is an owner of a cat or any person who keeps, harbors or feeds a cat. The owner need not be a resident of the Town of Springfield, but for a violation to occur, the cat must be within the Hamlet-Commercial District of the Town of Springfield.

Section 3.0 Prohibited acts

It shall be unlawful for any owner of or any person harboring any cat to permit or allow such cat in the Hamlet-Commercial Districts of the Town of Springfield to:

1. Be vicious or to stray off of the owners property or to defecate in such a way as to cause annoyance to any person other than the owner or person harboring such a cat.
2. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such a cat.
3. The owner of any cat shall be responsible for cleaning up excrement of their cat when elsewhere other than owner's premises.
4. No person who owns a cat shall permit the premises, structure or enclosure in which such a cat is kept to be in an unclean or unsanitary condition, feed must be secure from other animals. No outdoor feeding of any cat.
5. To allow a cat that is not vaccinated for rabies, or spayed/neutered, to run loose in the Hamlet-Commercial Districts of the Town of Springfield, cats must have Identification ready and available by owner of current vaccination tag to be outside unrestrained.
6. No owner or person shall keep or suffer to be kept any cat which commits a nuisance in a public highway, sidewalk, or on any private property except with the consent of the owner of the property.
7. It is unlawful for any person to feed, water or otherwise attract or create conditions within the Hamlet-Commercial District Town of Springfield, which allow cats, domesticated or feral, to accumulate on the property and otherwise endanger the health, safety, and welfare of the other residents and visitors of the Hamlet-Commercial District Town of Springfield.
8. No free running or at large groups of cats or colonies are permitted within the Hamlet-Commercial Districts in the Town of Springfield.
9. Each day an owner fails to comply with the above provisions shall be deemed a separate offense.

Section 4.0 Judicial Jurisdiction.

Any Town Justice of the Town of Springfield shall have jurisdiction to hear all actions and proceedings hereunder and of all prosecutions for the violations of this Local Law.

Section 5.0 Complaints.

All complaints concerning alleged violations of this Local Law shall be communicated by written complaint provided by the Town of Springfield Animal Control Officer. The Town of Springfield Animal Control Officer shall investigate all complaints and enforce this Local Law to the best of his/her ability, furthermore all complaints shall be documented including the Section number and subsection and reported to the Town Board, Town of Springfield at their monthly meeting. All records are to be maintained in the Town Clerk Office Community Center Town of Springfield. A written report shall be given to the person making the complaint.

Section 6.0 Appearance tickets.

An appearance ticket, issued by the Animal Control Officer, may be served in any manner authorized for service under Section 308 of the Civil Practice Law and Rules

Section 7.0 Penalties for offenses.

Except as otherwise provided for in the New York State Agriculture and Markets Law, a violation of this Local Law shall constitute an offense punishable by any applicable provisions of the New York State Agriculture and Markets Law as well as out-of-pocket expenses incurred by the victim for damages caused by a violation of this Local Law as well as any fines set by the Town Board of the Town of Springfield which are administered by the Animal Control Officer. Each day's violation shall be considered a new and separate offense subject to a separate penalty.

Section 8.0 Seizure of cats at large; Notification and redemption procedures; Fees.

Any cat in violation of Section 3.0 (1-8) hereof or any other nuisance cat running at large within the limits of the Hamlet-Commercial Districts of the Town of Springfield maybe subject to seizure and delivered by the Animal Control Officer to a holding place of his/her choosing:

1. Every cat seized shall be humane fed and cared for until disposition thereof shall be made as herein provided.
2. Notice of impounding. The Animal Control Officer shall exercise reasonable diligence to ascertain the owner of the cat, including posting picture on the Town of Springfields Website, and shall give or cause to be given reasonable notice to such owner or an adult member of his/her family that the cat has been seized and will be adopted or humanely destroyed unless redeemed with the period herein provided. If notice is hand delivered to owner the cat shall be held for seven days, if notice is given by mail then the cat shall be held for 9 days during which time the cat may be redeemed by owner
3. Disposal of unredeemed cats, if not redeemed within five days after Section 8.0 (2.) expires, the owner of the cat shall forfeit all title to the cat, and the cat shall be adopted or humanely destroyed in accordance with New York State Agriculture and Markets Law.
4. Enforcement provisions. The Animal Control Officer or any other person or agency designated by the Town Board Town of Springfield or authorized by law to seize and impound a cat pursuant to the provisions of this Local Law shall have the power to seize and impound any cat in violation of any section of this Local Law and issue appearance tickets.
5. Redemption fees. Any cat seized in accordance with the provisions of this Local Law may be redeemed by the owner of the same upon payment of impoundment fees as are set forth by New York Agricultural and Markets and/or established by the Town Board Town of Springfield and by providing proof of vaccination.

Section 9.0 Severability

If any specific part or provision or standard of this Law, or the application thereof to any person or circumstance, be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have enacted this Law, or the remainder thereof.

Section 10.0 Interpretation;

Conflict With Other Laws

In their interpretation and application, the provisions of this Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

Section 11.0 Effective Date

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.

On motion by _____, seconded by _____,
, and a vote of _____ For, _____ against, _____ abstained, and _____ absent

This Local Law #2 of 2023 was adopted on November 13, 2023

Town Clerk Town of Springfield:

Adopted version of Local Law #2 2023