

LOCAL LAW # 1 of 2010

A local law to amend the Warwick Village Code to provide the new language as it relates to the outdoor feeding and licensing of cats, within the Village of Warwick.

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

SECTION 1: PURPOSE AND INTENT

The Village of Warwick is concerned about the proliferation of feral cats throughout the Village, which are not domesticated household pets. As a result, the Village Board wishes to reduce the adverse effects stray and feral cats have upon the quality of life within the Village of Warwick and require that all cats owned or harbored in the Village be licensed.

SECTION 2: Article 36 of the Village of Warwick Code is hereby amended by adding a new section which shall be entitled Article IV, Cat Control Act of the Village of Warwick, to read as follows:

36-16. Title. This article shall be known as the “Cat Control Act of the Village of Warwick.

36-17. Definitions. As used in this article, the following terms shall have the following meanings:

CAT CONTROL OFFICER - The person designated by the Village of Warwick Board of Trustees to enforce the provisions of this article

CAT: Any cat, regardless of sex, age or ownership status.

DOMESTICATED CAT: Any licensed cat kept in or about the residence of the owner which is not vicious, dangerous or otherwise obnoxious, objectionable or offensive.

EUTHANIZE To bring about death by a humane method.

FERAL Means existing in a wild or untamed state, or returning to an untamed state after domestication.

HARBORING: Maintaining control over a cat by housing, feeding, treating, bathing and/or exerting any other type of influence over it.

HOMELESS OR ABANDONED CAT: Any cat found outdoors which is not licensed or domesticated.

IDENTIFICATION TAG: A tag which sets forth an identification number as required by the provisions of this article

MANAGED OUTDOOR CAT COLONY: A group of cats that live outdoors which are fed by and maintained by a Village resident and which are supervised, sanctioned, licensed, and approved by the Warwick Valley Humane Society.

OUTDOORS: Any area that is not the inside of the cat owners residence.

OWNER: Every person having a right of property in a cat and every person who has a cat in his or her keeping or who harbors a cat or the adult member of a family in which a minor owner of a cat resides.

OWNER OF RECORD: The person in whose name any cat was last licensed pursuant to this law, except that if any license is issued on an application of a person under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

36-18. Applicability. This law shall apply to all cats and residents within the Village of Warwick.

36-19. Restricted Acts.

- A. No cat (except for cats living in managed colonies) shall be fed outdoors or in any area which provides unfettered indoor/outdoor access within the Village of Warwick, unless such feeding is within the immediate and constant presence of the owner.
- B. It is unlawful for any person to feed, water or otherwise attract or create conditions within the Village, which allow cats, domesticated or feral, to accumulate on the property and other wise endanger the health, safety, and welfare of the other residents of the Village of Warwick.
- C. No person shall keep, suffer or permit to be kept, either on or off 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 or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness.
- D. No person who owns or has control of any cat shall permit or suffer such cat to run at large or to damage or destroy property of any kind of another person; to attack or bite or injure any person peaceably conducting himself in any place where such person may lawfully be; or to attack, chase, injure or kill another animal of another person when such other animal is in any place where it may lawfully be. For the purposes hereof, when any cat is in violation of the provisions of this article, the owner and owner of record shall be deemed to have permitted or suffered the cat to have committed such violation.
- E. No owner shall keep or suffer to be kept any cat which commits a nuisance in a public highway, public building, public park or on any private property except with the consent of the owner of the property thereof.

- F. No owner shall keep or suffer to be kept any cat which continually runs at large with a pack of other cats.
- G. No owner shall permit a female domestic cat which is in heat to run at large or permit conditions to exist in which male domestic cats are attracted to the premises of the owner of female domestic cats in heat, where such attraction causes a nuisance to adjoining property owners
- H. No owner shall permit the premises, structure or enclosure in which such cat is kept to be unclean or unsanitary.
- I. No owner shall permit a cat to deposit excrement or urine on the property of another without the prior approval of the owner of such property, unless such waste is immediately removed and properly disposed.
- J. No owner shall permit a cat to deposit urine or excrement on the property of the Village of Warwick, including but not limited to any sidewalk, street, park, playground or parking lot, unless such waste is immediately removed and properly disposed.
- K. No resident shall permit unfettered access to the outdoors to any cat unless that cat is a member of a Managed Outdoor Colony.
- L. No resident of the Village of Warwick shall harbour any unlicensed or undomesticated cat within the Village of Warwick unless that cat is part of a managed outdoor colony.
- M. No owner of record of any cat shall allow such cat outside of their residence if the cat is not wearing the identification tag issued for such cat pursuant to this article, or the cat is not a member of a managed outdoor colony.
- N. No cat shall be allowed outdoors at any time unless it is spayed or neutered.
- O. Effective April 30, 2010, no dwelling unit in the Village of Warwick shall be allowed to license more than 5 cats or register a managed outdoor colony.

36-20 Liability of Owner. The owner of any cat which has attacked, injured or damaged any person, other animal or property shall be liable for such injury and damages.

36-21 Appearance Tickets.

- A. A cat control officer or a police officer observing a violation of this article in his or her presence may issue and serve an appearance ticket pursuant to the New York State Criminal Procedure Law.
- B. As to the control of animal waste, a cat control officer or police officer may, after observing a violation of this article or upon the sworn complaint of an individual observing a violation of this article, issue and cause to be served an appearance ticket setting forth a brief description of the circumstances of the violation.

36-22 Written Complaints.

Any person who observes a cat or the owners thereof in violation of any of the provisions of this article may file a written verified complaint with the cat control officer in a form acceptable to the cat control officer, which complaint shall set forth the conduct of such cat or that of the owner, including the date thereof, the damage caused, if any, a description of such cat and the name and residence, if known, of the owner of said cat. Upon receipt of such a complaint, if such complaint indicates that a violation of this article has occurred, the cat control officer may issue and serve an appearance ticket based upon such information upon the owner of such cat, if such owner is known.

36-23 Licensing; Licensing and Rabies Vaccination required.

- A. Licensing of cats. The owner of any cat three months of age or older shall make application to the Village Clerk for a cat license. A license shall expire after a period of FIVE years beginning with the first day of the month following the date of issuance and if renewed and shall expire every two years after that the remaining life of the cat.
- B. The issuance of any cat license shall be under the control of the Village Clerk and the Cat Control Officer.
- C. The application shall include a photograph of the cat to be licensed and shall state the name, sex, actual or approximate age, breed, color, any distinctive markings and the official identification number of the cat, shall state whether or not such cat has been neutered or spayed and shall state the name, email address, address, telephone number, county, town, city or village of the residence of the owner.
- D. The application shall be accompanied by the license fee prescribed by Article 63 of the Village of Warwick Code and a certificate of rabies vaccination. In the case of a spayed or neutered cat, every application shall also be accompanied by a certificate signed by a licensed veterinarian certifying that the cat has been spayed or neutered; provided, however, that such certificate shall not be required if the same is already on file with the Village Clerk in connection with a previous application. The fee shall be reduced by 50% if the cat is spayed or

neutered and proof is provided. The license fee shall be waived in its entirety for all persons over age of (65) sixty- five

E. Upon validation by the Village Clerk, the application shall become a license for the cat described therein; the Village Clerk shall provide the license to the owner and shall retain a copy thereof; and, if the license being issued is the first license being issued by the Village of Warwick for the cat described in the application, the Village Clerk shall furnish the owner with a numbered identification tag.

F. No license shall be transferable.

G. License Fee. The fee for each cat license issued pursuant to §36-23 of this article shall be charged by the Village Clerk in accordance with Article 63 of the Village of Warwick Code.

H. Identification numbers assigned. Each cat licensed pursuant to this article shall be assigned, at the time the cat is first licensed, a permanent identification number. Such identification number shall be carried by the cat on an identification tag which shall be affixed to a collar, which shall be worn by the cat at all times the cat is not within the residential structure of the owner of record. At the time a cat is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner from the Village Clerk for a fee in such amount as from time to time shall be established by resolution of the Village Board of the Village of Warwick. No identification tag carrying the official identification number shall be affixed to the collar of any cat other than the one to which the number has been assigned.

I. Change of ownership; loss or theft. In the event of a change of ownership of any cat which as been assigned an official identification number, or in the address of the owner of record of such cat, the owner of record shall, within 10 days of such change, file with the Village Clerk a written report of such change. Such owner of record shall remain the owner of record and shall be liable for any violation of this article or any other violation of the Warwick Municipal Code for any event occurring prior to such change of ownership filing being made or until the cat is licensed in the name of the new owner.

J. If any cat which has been assigned an official identification number is lost or stolen, the owner of record shall, within three days of the discovery of such loss or theft, file with the Village Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of such cat shall not be liable for any violation of this article occurring after such report is filed.

K. Until April 30, 2010, up to 12 cats may be licensed to any one dwelling unit for indoor ownership. Should the number of cats in any one dwelling unit exceed 5, licenses will be issued only upon approval by the Warwick Valley Humane Society and the Cat Control Officer. Such approval may only be given after an inspection of the proposed licensee and/or the proposed dwelling unit by a representative of the Warwick Valley Humane Society to ensure

humane conditions at the dwelling unit for an indoor owner wishing to license more than 5 cats, and the ability of the proposed licensee to care for that number of cats, including but not limited to the necessary time and resources. If registration of more than 5 cats is approved, the registered owner consents to continued monitoring and annual home inspections by the Humane Society and the Cat Control Officer for so long as there are more than 5 cats in the residence. After April 30, 2010, no more than 5 cats may be licensed within any dwelling unit.

L. Until April 30, 2010, up to 12 cats may be registered for a Managed Outdoor Cat Colony. Licenses for a Managed Outdoor Colony will be issued upon annual approval by the Warwick Valley Humane Society and the Cat Control Officer. Such approval may only be given after an inspection of the proposed licensee and/or the proposed dwelling unit by a representative of the Warwick Valley Humane Society and the Cat Control Officer to ensure humane conditions at the dwelling unit and the ability of the proposed licensee to manage an outdoor colony including having the necessary time and resources. If registration of a Managed Outdoor Cat Colony is approved, the registered owner consents to continued monitoring and annual home inspections by the Humane Society and the Cat Control Officer for so long as the outdoor managed colony remains in existence. After April 30, 2010, no outdoor managed colonies will be licensed.

36-24. Penalties. Except as otherwise provided for in the New York State Agriculture and Markets Law, a violation of this article 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 statute, as well as a fine not to exceed \$750.00. Each day's violation shall be considered a new and separate offense subject to a separate penalty.

SECTION 3. This local law shall take effect immediately upon posting and publication as required by law and filing with the Secretary of State.