

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

## Village of Wellsville Local Law No. 5 of the year 1999

### A local law to limit the ownership, possession and sale of reptiles in the Village of Wellsville

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

#### ARTICLE I - Policy

The Board of Trustees having determined that the presence of reptiles in the Village of Wellsville may cause danger, fear, alarm, or annoyance to members of the public, it is hereby declared to be a policy of the Village of Wellsville to regulate and control the ownership, sale, possession and harboring of same.

#### ARTICLE II - Prohibitions; Licensing

- A. No person or entity shall own, harbor, or possess a poisonous reptile.
- B. No person or entity shall own, harbor or possess a non-poisonous reptile without first obtaining a license from the Village of Wellsville.
- C. No person or entity shall own, harbor or possess a licensed non-poisonous reptile:
  1. In a public place;
  2. In any area of a non-residential building or structure from which there is direct access to an area or place which is open to the public;
  3. In a motor vehicle, trailer, or unit attached to or towed by a motor vehicle, unless the reptile is contained in an enclosed container or device which will prohibit freedom of movement and escape, and then only for the purpose of transporting the reptile directly between locations where such owning, harboring or possession are not prohibited under this law;
  4. In a multiple unit residential building or structure unless the owner or possessor of the reptile shall have current, written notarized consent of all adult tenants or residents of the building whose premises within the building have direct access to the place where the

- A. Any violation, non-compliance or non-conformance with Article II, Section A hereof shall constitute a misdemeanor punishable by imprisonment for not more than three (3) months, a fine of not more than five hundred dollars (\$500.00) or both.
- B. Any violation, non-compliance or non-conformance with any other section of Article II hereof shall constitute a violation punishable by a fine of not more than two hundred fifty dollars (\$250.00).

**ARTICLE VI** - Authorization

- A. The Mayor or Board of Trustees is hereby authorized to establish standards, rules and regulations governing the issuance of licenses, and terms, conditions and restrictions under which they are obtained, held or terminated, and such other rules and regulations as may be required.
- B. Any rules or regulations of the Mayor of the Board of Trustees, as authorized by this Article, shall become effective upon filing with the Village Clerk.

**ARTICLE VII**

No provision or language of this local law shall be construed as superceding or limiting any provision of the Agriculture and Markets Law or any other law.

**ARTICLE VIII**

If any clause, sentence, paragraph, section or part of this Local Law or any rule or regulation established hereunder shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**ARTICLE IX** - Effective Date

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

2 OF 1981

A LOCAL LAW TO LIMIT THE OWNING, HARBORING AND SELLING OF REPTILES  
IN THE VILLAGE OF WELLSVILLE.

adopted: November 9, 1981

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE  
AS FOLLOWS:

ARTICLE I.

It is the finding of the Board of Trustees that some individuals owning, harboring or possessing reptiles have intentionally introduced them into public places, causing public alarm and annoyance even though the reptiles are non-poisonous and, upon occasion, reptiles have escaped from places where they have been harbored, resulting in the same effect.

It is hereby declared a policy of the Village of Wellsville to regulate and control the sale, possession and harboring of reptiles within the Village for the purpose of preventing fear, alarm and annoyance to members of the public from exposure to these reptiles.

It is the further finding of the Board that:

A. The owning, harboring or possession of any poisonous reptiles within the Village be prohibited.

B. Some classifications of reptiles are innocuous in terms of public welfare and safety due to their size or nature and, as to them, the Board or the Mayor, by rule or regulation, shall be able to remove such reptiles from the coverage of this Local Law.

C. Any person, dealer or educational institution owning, harboring or possessing a reptile shall do so in a manner which prevents the reptile's escape and which will also prevent annoyance, fright, or alarm to members of the public.

D. The purpose of licensing of places open to the public is to give notice to the public that reptiles may be on the premises and to promote the display of such reptiles in such a manner as not to cause public alarm or annoyance.

ARTICLE II.

No person, except as permitted by Article IV, shall own, harbor, or possess a reptile:

A. In any public place

B. In any area of a building or structure, except a residence, from which there is direct access to an area or place which is open to the public.

C. In any motor vehicle or any trailer or unit attached to or towed by a motor vehicle, except in an enclosed container or device which will prohibit freedom of movement of the reptile or the escape of the reptile, and then only for the purpose of transporting the reptile directly between locations where such owning, harboring or possession are not prohibited under this Local Law.

D. In any portion of a building or structure used for residential purposes without the current valid consent of all other adult tenants or residents thereof whose premises have a direct way of access from the place where the reptile is harbored or possessed, and the consent of the owner of the premises.

Section 2. A person violating any portion of Section 1 of this Article shall be guilty of an offense punishable by imprisonment for a period of not to exceed fifteen (15) days, or a fine in an amount not the exceed \$250.00, or by both such fine and imprisonment.

#### ARTICLE III.

Any such consent, as required by Article II, may be withdrawn at any time. Consent shall be valid only if the person seeking it shall provide full disclosure to the person whose consent is sought, including information pertaining to the type and number of reptiles and their physical characteristics and propensities.

#### ARTICLE IV.

Section 1 No person shall own, harbor or possess a poisonous reptile within the Village of Wellsville.

Section 2 Any person who is guilty of violating Section 1 of this Article shall be guilty of a misdemeanor punishable by imprisonment not to exceed three (3) months, by a fine in an amount not to exceed \$500.00, or by both such fine and imprisonment.

#### ARTICLE V

Section 1 Any reptile found in any place or area prohibited or proscribed by this Local Law, or any reptile found loose or unattended, or any poisonous reptile, is hereby declared to constitute a public nuisance and any peace officer or, in an emergency, any other person may, with regard to such reptile:

- A. Destroy it, or
- B. Seize it as evidence, or
- C. Take the reptile into custody for disposition as may be appropriate to the circumstances.

Section 2 Any person, not a peace officer who shall destroy or otherwise take a reptile into custody under the provisions of this Article shall notify the Wellsville Police Department as soon as possible under the circumstances. The Department may take into custody any reptile so seized and may dispose of it in accordance with Section 1 of this Article.

Section 3 Action taken by a peace officer, or by any other person acting in an emergency situation, in destroying, seizing, or taking into custody any reptile, shall not subject such person or the Village to liability if it is established that the peace officer or other person had reasonable grounds to believe that the snake or other reptile constituted a nuisance as provided in this Article, even though it may be determined that the snake or other reptile was not owner, possessed or harbored in violation of this Local Law.

#### ARTICLE VI

Section 1 A person operating a pet store may own, harbor, possess, or hold for display and sale non-poisonous reptiles, provided a license to do so is obtained from the Village Clerk.

Section 2 Any school or educational facility operating under the control or authority of the Board of Regents of the State of New York may own, harbor, or possess a non-poisonous reptile for education purposes, provided a license to do so is obtained from the Village Clerk.

Section 3 Any such license issued under this Article may be subject to such terms, conditions, and restrictions as the Mayor or Board of Trustees may establish to implement the intent of this Local Law.

#### ARTICLE VII

Section 1 The Mayor or the Board of Trustees is hereby authorized to establish rules and regulations governing the issuance of licenses and the terms, conditions and restrictions under which they are obtained, held or terminated, and such other rules and regulations as may be required.

Section 2 The Mayor or the Board of Trustees may, by rules or regulations and under such terms and conditions as they deem proper, exempt particular kinds or types of reptiles from the operation and coverage of this Local Law.

Section 3 Any rules or regulations of the Mayor or the Board of Trustees as authorized by this Article shall not be effective until filed in the office of the Clerk of the Village of Wellsville.

#### ARTICLE VIII

No provision or language of this Local Law shall be construed as superceding or limiting any provision of the Agriculture and Markets Law or any other Law.

#### ARTICLE IX

If any clause, sentence, paragraph, section or part of this Local Law or any rule or regulation established hereunder shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### ARTICLE X

This Local Law shall become effective November 15, 1981.