

Local Law Filing

Town of OYSTER BAY

Local Law No. _____ of the year 2021

A LOCAL LAW TO AMEND CHAPTER 103 – DOGS AND OTHER ANIMALS, ARTICLE IV, OF THE CODE OF THE TOWN OF OYSTER BAY.

Be it enacted by the TOWN BOARD of THE TOWN OF OYSTER BAY as follows:

Section 1. Amend Chapter 103 – Dogs and Other Animals, Article IV, of the Code of the Town of Oyster Bay, to read as follows:

Article IV Fowl

§ 103-19 Definitions.

§ 103-20 Prohibition.

§ 103-21 Penalties for offenses.

§ 103-22 Applicability.

§ 103-19 Definitions.

For the purpose of this article, unless otherwise expressly stated or unless the context or subject matter requires otherwise:

FEED

Shall mean to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing fowl.

FOWL

Shall include:

PIGEONS

Those domestic varieties belonging to the order Columbiformes.

WATERFOWL

Those species belonging to the order Anseriformes, including but not limited to mute swans, Canada geese, ducks, and mallards and any other waterfowl falling under the jurisdiction of the United States Fish and Wildlife Service.

PERSON

Any individual, company, partnership, corporation, limited partnership, joint venture, or other legal entity.

TOWN PROPERTY

Any land which is owned, maintained, leased, or managed by the Town of Oyster Bay for any purpose whatsoever, including, but not limited to parks, preserves, beaches and drains.

§ 103-20 Prohibition.

No person shall feed or provide food for any fowl on Town property or privately owned property located within the Town at any time of the year.

§ 103-21 Penalties for offenses.

A violation of this article shall be punishable by a fine of not less than \$100, nor more than \$500. Any subsequent violation occurring within five years of the date of such first violation shall be punishable by a fine of not less than \$250, nor more than \$750.

§ 103-22 Applicability.

A. The provisions of this article shall not apply to property owned by or under the jurisdiction of other municipal authorities, the State of New York, and any agency thereof or the government of the United States of America.

B. The above prohibition shall not apply to the feeding of domesticated or confined fowl, including those confined in zoos, animal shelters, or animal care facilities.

C. Nothing herein shall be construed to prohibit keeping, filling or maintaining a non-commercial bird feeder, unless said activity constitutes an attractant and its cessation is ordered by a Town enforcement officer in furtherance of the intent of this Article.

Section 2. SEQRA Determination. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law will not have a significant impact on the environment and that the adoption of this local law constitutes a Negative Declaration in accordance with the New York State Environmental Conservation Law and its applicable regulations thereon.

Section 3. Severability. If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of 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 local law, or the application thereof to other persons or circumstances.

Section 4. Effective Date. This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

Certification:

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2021 of the Town of Oyster Bay was duly passed by the Town Board on _____ 2021, in accordance with the applicable provisions of law.

Clerk of the Town of Oyster Bay

(Seal)

Date: _____, 2021

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Town Attorney

Title

Town of Oyster Bay

Date: _____ 2021