

LOCAL LAW FILING

NEW YORK STATE DEPARTMENT OF STATE

41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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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 of Rockland

Local Law No. 6 of the year 2000

A local law prohibiting spring type traps in human traffic areas

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 26 2000

Be it enacted by the legislature of the County of Rockland as follows:

Alexander F. D'Amico
Secretary of State

Section 1. Legislative Intent

- A. Rockland County has evolved from a rural community as it existed in the 1950's to a suburban community highly populated by families, with children, whose family members are endangered by use of spring-type "snapping" leg and/or body grabbing traps or conibear traps which constitute a danger to the population and are no longer safe and appropriate for continued use in human traffic areas in Rockland County. In addition safe and humane alternatives exist to said snapping type spring leg and/or body grabbing traps or conibear traps.
- B. This legislature has determined that a "zone of danger" exists to the public from spring type "snapping" leg traps and/or body grabbing traps or conibear traps in human traffic areas and high traffic residential areas within Rockland county.

Section 2. Definitions.

As used in this local law, the following terms shall have the meaning as herein indicated:

- A. Human traffic area – is determined to be the area within a distance of one hundred fifty feet (150) of the following areas where human activity such as walking, playing, picnicking running, jogging, sports and recreational activities, and general movement is designed to occur by the construction, maintenance, use and design of public and private land use. This shall include the following:
 - 1. All school buildings;
 - 2. All school playgrounds or athletic fields;
 - 3. All designated bike paths;
 - 4. All municipal buildings, playgrounds, or athletic fields;

5. All land marked or designated as public parks of municipalities;
6. All marked or designated public trails or walkways;
7. All public swimming facilities, including the picnicking areas, parking areas, athletic or open fields connected to or used as part of said facility;
8. All houses of worship;
9. All municipal parking lots.
10. All commercial "open to the public" buildings, parking lots and recreational use lands, including but not limited to golf courses;
11. All county property.
12. All residential multiple dwelling buildings.
13. All residential group homes for of mentally, physically or infirmed individuals.
14. All adult homes.
15. All residential senior citizens complex.
16. All day care facilities.

B. High Traffic Residential Area:

1. Within one hundred (100) feet of a one or two family residence

Section 3. Prohibitions and Implementation.

For the implementation of the purposes of this local law and for the health, safety and well-being of all the residents of Rockland county, the following provisions are now mandatory and adopted:

- A. The use of spring-type snapping leg traps and/or body grabbing or conibear traps is prohibited within one hundred fifty (150) feet of human traffic areas or one hundred (100) feet of high traffic residential areas of the county of Rockland.
- B. No spring-type or snapping leg and/or body grabbing traps or conibear traps with or without jaws that are constructed or intended to seize the leg, body or appendage of an animal shall be used, or set, within the "zone of danger" of human traffic areas or high traffic residential areas in the county of Rockland.
- C. This prohibition shall apply to any similar device which has the potential to maiming, or dismember the animal and thereby injure or maim a child or adult human being.

- D. These prohibitions shall not in any way affect, limit or prohibit trapping in Rockland county, which is permitted by law pursuant to the New York State Conservation Law or other state statutes by a trap or device which confines, without injuring, animal to be caught within a human traffic area or high traffic residential area, if same is authorized by the state conservation law or other statute.

Section 4. Enforcement authority

The Rockland county parks manager, park rangers and the sheriff of Rockland county and all police officers with authority to act within the state shall be vested with the responsibility and authority to accomplish the purpose and intent and to monitor and enforce the provisions of this local law.

Section 5. Penalties for offenses.

- A. Any person who engaged in the setting of spring-type snapping leg and/or body grabbing traps or conibear traps within the geographical boundaries of the county of Rockland, except state parkland or where other superceded or exempted by law, shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than \$500 or imprisonment for not more than five days, or by both such fine and imprisonment.
- B. Any person who has been found guilty of engaging in the setting of spring-type snapping leg and/or body grabbing traps or conibear traps within the geographical boundaries of the County of Rockland for a second or subsequent time shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not more than 10 days or by both such fine and imprisonment.

Section 6. Severability

If any clause, sentence, paragraph, subdivision or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, perfect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm, corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date

This local law shall take effect immediately upon its approval by referendum or otherwise as provided by law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. of 2000 of the County of Rockland was duly passed by the Legislature of Rockland County on 2000, in accordance with the applicable 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. 4 of 2000 of the County of Rockland was duly passed by the Legislature of Rockland County on April 18, 2000, and was neither (approved) nor (not approved)(~~repassed after disapproval~~) by the County Executive,* and was deemed duly adopted on May 19, 2000, in accordance with 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 2000 of the County of Rockland was duly passed by the Legislature of Rockland County on 2000, and was (approved)(not approved)(repassed after disapproval) by the County Executive on 2000. 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 2000, 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 2000 of the County of Rockland was duly passed by the Legislature of Rockland County on , 2000, and was (approved)(not approved)(repassed after disapproval) by the County Executive on ,2000. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 2000, 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 2000, 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 _____, 2000, became operative.

6. (County local law concerning adoption of a Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2000, of the County of Rockland, State of New York, having been submitted to the electors at the General Election of November _____, 2000, 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 2, above.


MARY L. BUTLER
Deputy Clerk to the Legislature - County of Rockland

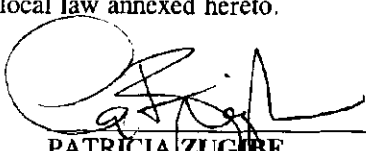
(Seal)

Date: May 24, 2000

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ROCKLAND

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.


PATRICIA ZUGIBE
County Attorney - County of Rockland County
Date: May 24, 2000

LL-DOS-239-NYS