

June 1, 1998

Finance Committee: 5-18-98

RESOLUTION NO. 172-98

**ADOPTING PROPOSED LOCAL LAW D FOR THE YEAR 1998  
PROHIBITING THE IMPORTATION, LIBERATION AND  
RELEASE OF CERTAIN DANGEROUS ANIMALS**

By Mr. Greenwood, Chair, Finance Committee

**WHEREAS**, the St. Lawrence County Board of Legislators is desirous of prohibiting the importation, liberation and release of certain dangerous animals, and

**WHEREAS**, the St. Lawrence County Board of Legislators held a public hearing on June 1, 1998,

**NOW, THEREFORE, BE IT RESOLVED** that the St. Lawrence County Board of Legislators hereby adopts Local Law D (No. 4) for the Year 1998.

**PROPOSED LOCAL LAW D (NO. 4) FOR THE YEAR 1998  
PROHIBITING THE IMPORTATION, LIBERATION AND  
RELEASE OF CERTAIN DANGEROUS ANIMALS**

**BE IT ENACTED** by the Board of Legislators of St. Lawrence County as follows:

§1. Policy & Purpose

The preservation, promotion, and maintenance of the health, safety, and welfare of persons and property in St. Lawrence County is of paramount importance. It is a primary purpose and function of St. Lawrence County government to prevent unreasonable and/or unnecessary risk of injury or death to persons and/or damage to property within St. Lawrence County, including but not limited to the risks and dangers to human beings or domestic animals posed by certain live dangerous animals in the wild. This purpose and function has been recognized by the State of New York through the enactment of County Law §225 (1) (j) which authorizes St. Lawrence County and other counties to appropriate and expend funds for the destruction of certain dangerous animals. The importation into and the liberation or release within St. Lawrence County of live dangerous animals poses a significant, serious and increased risk and danger to persons and property within St. Lawrence County and will likely result in the appropriation and expenditure of public funds for the destruction of these same animals. Pursuant to its home rule powers under Municipal Home Rule Law §10, it is hereby declared to be the policy of St. Lawrence County to prohibit the importation into and liberation or release

within St. Lawrence County of certain live dangerous animals, whether indigenous or non-indigenous, which in a wild state are carnivorous or which because of their nature or physical makeup are capable of inflicting serious physical harm or death to human beings or domestic animals, or which otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup or by being a carrier for rabies.

§2. Definitions

As used in this local law:

- (a) "Dangerous Animal" means any indigenous or non-indigenous animal, other than a domestic animal, which in a wild state is carnivorous or which because of its nature or physical makeup is capable of inflicting serious physical harm or death to human beings or domestic animals, or which otherwise presents a risk of serious physical harm or death to human beings as a result of its nature or physical makeup or by being a carrier for rabies, including but not limited to bobcat, wolf, wolfdog, coyote, coydog, fox, constricting or venomous reptile or mountain lion.
- (b) "Domestic Animal" means any animal within the purview of §108 of the New York Agriculture and Markets Law, including but not limited to any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail which is raised under license from the New York State Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the New York State Department of Environmental Conservation.
- (c) "Importation" means the act of bringing into St. Lawrence County.
- (d) "Liberation" means to set free, whether intentionally or unintentionally, a dangerous animal so as to allow such dangerous animal to roam and/or run at will on any public or private property, acting on its own initiative and without restraint.
- (e) "Person" means any individual, corporation, partnership, company, society, association or organization, or any state or department or agency thereof, or the United States or any department or agency thereof.
- (f) "Release" means to remove or cause to be removed, whether intentionally or unintentionally, any restraint so as to liberate a dangerous animal.
- (g) "Restraint" means any device, apparatus or enclosure which prevents a dangerous animal from being liberated and which places the dangerous animal under the direct, complete and immediate control of the person possessing such dangerous animal, including but not limited to chains, leashes and cages.

§3. Importation and Liberation/Release of Dangerous Animals Prohibited

The importation and liberation or release within St. Lawrence County of any live dangerous animal by any person is prohibited.

§4. Exception: Transportation and Possession of Dangerous Animals Under License

Nothing in this local law shall prohibit the transportation and possession of any live dangerous animal pursuant to a valid license or permit issued by the New York State Department of Environmental Conservation under §11-0511 of the New York State Environmental Conservation Law.

§5. Penalties

Any person violating a provision of this local law shall:

- (a) in the case of a first violation, be guilty of a class B misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$5,000 or by imprisonment not to exceed 90 days, or both; and
- (b) in the case of a second or subsequent violation, be guilty of a class A misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$10,000 or by imprisonment not to exceed 6 months, or both.

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Mr. Greenwood moved to adopt Resolution No. 172-98, seconded by Mr. Nichols.

Mr. MacKinnon said he feels St. Lawrence County has a lot to offer its residents and the community in general. He can't figure out why anyone would consider introducing animals that are dangerous to livestock with so much agriculture going on throughout the County. He is in favor of the feasibility study and if it says wolves wouldn't be dangerous to livestock he would consider it. However, right now he can't support it.

Mr. Greenwood agreed with what Mr. MacKinnon said. He feels the Board doesn't need the study because their constituents have spoken and they don't want wolves. There could be cross-breeding and then we wouldn't know the difference between a wild dog and a wolf. The wolves move to where the food is, out of the mountains and into the valleys. He said the way he feels about the argument that they used to be here is that a lot of things used to be here. He said he can think of better ways to spend the money it would cost for the recovery effort.

Mr. FitzRandolph said in Government when a Legislator is asked to vote, they either vote with their conscience or vote the way their constituents tell them to vote. When he has faced a disagreement between the two, it's been his practice to vote the way his conscience tells him to. He said the reintroduction of wolves is not a great moral issue for him, nor does it hold any political belief of his. Many of his constituents are telling him not to vote in favor of reintroducing wolves to the area. However, there are many that are in favor of it. The issue is a wider issue than the wolf. People coming in from outside the area and attempting to start a program of something that will affect something inside the area. He would suggest that nobody

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believe the study that said 80% of people in the blueline support the reintroduction no matter when it was done. He will vote in favor of this law.

Mr. Wilson said he agrees with Mr. FitzRandolph as far as going against your constituents. If the DEC likes something he usually discounts it as being valuable for the people up here. The survey was made up of 85 questions and he feels in that many questions even he could find something good about Hitler. He said wolves have not been a big problem in his life. The idea of a referendum is an attractive idea but there are some issues that effect the health and safety of the area. He said even if everyone of his constituents were in favor of the wolves he would still vote against it. He doesn't feel it is good for the health and safety of the residents of St. Lawrence County. The deer have gone where the food is and wolves will too, and that is also where the people are.

Mr. Nichols said he doesn't see any reason for the Board to wait for a study and not decide on the law now. He wants the State to know that we don't want others deciding what is going to be here. He feels he doesn't need a study from Oregon telling him what we want here. A few years ago the beavers were reintroduced and they cost us money because the Highway Department had to fix damns that were damaged by beavers. The DEC keeps telling us how they are going to help us. These things have far consequences beyond. If the DEC wants to sue us then let a Judge decide. We are here to represent what the people want.

Mr. Smith said he will support this law. The DEC is responsible for bringing in birds that are now eating all the minnows in the St. Lawrence River. The Board is not hurting for information on this subject. This has been being discussed for over a year. The EMC should have been working on this a year ago. He urged everyone to vote in favor of this.

Mr. Lacy said last Thursday he saw a wolf where a wolf should be ...in the zoo. He feels they should have a fence between them and the people and he will support the local law.

Chair Gray said the wolf is no longer an endangered species according to Dan Rather. This law could be changed if the study shows the reintroduction is feasible and this Board wants to move forward with it in the future.

The motion was carried unanimously by a roll call vote.