



# 2023 Ontario County Fair

## Rules & Regulations

Animal Health Requirement – Please refer to the Health Requirements on our website.

The following rules and regulations are made a part of the conditions under which all entries are accepted, and exhibit space or concession licenses are granted.

The Ontario County Agricultural Society (the Society) management reserves the final and absolute right to interpret these rules and regulations and arbitrarily settle and determine all matters, questions, and differences in regard thereto, or otherwise arising out of, connected with, or incident to the Fair. The Society reserves the right to reject any entry.

The Society reserves the right to amend or add to these rules and regulations as in its judgment may be deemed advisable. The Society is not responsible for any errors or omissions in the production of this book.

Any person who violates any of the following rules and regulations, or any special rule or rules, shall forfeit all privileges and premiums and be subject to such penalty as the management may order.

Lost articles should be promptly reported and turned in to the Secretary's office. Lost children should be reported and immediately taken to the Secretary's office.

The Management encourages the reporting of mistreatment or extortion by the concessionaires and any discourtesy or irregularity of its employees. Violation of local, state or federal laws should be reported promptly to the Police.

Weekly parking passes are available for exhibitors and family.

Address ALL communications to:

**Ontario County Agricultural Society**  
**PO Box 324**  
**Canandaigua, NY 14424**

#### **Rule 1. Time for Making Entries**

Entries are to be made through the online entry system available through the Fair website. Refer to registration deadlines to ensure your entry is made timely. Entries taken when completed and the Society reserves the right to limit due to space available.

**Rule 2. Entry Payment by Credit Card or Check made payable to ONTARIO COUNTY FAIR.**

**Rule 3. Entries to be made in owner's name.**

#### **Rule 4. Examination of Entry.**

Exhibitors are requested to examine their entries. Entries can be modified if a mistake is made prior to submission of invoice. There will be no refund of entry fees.

#### **Rule 5. Display of Entry Tags and Ribbons**

An entry tag must be attached to each exhibit. This tag will be furnished by the Fair office. All entry tags and ribbons must be displayed during the exhibition. No consideration will be given by the judges to any article to which the entry tag is not attached. The judges will not award a premium to any animal or article which has not been properly entered.

#### **Rule 6. Entries Limited to Capacity.**

All entries will be limited to the capacity of our present buildings and will be recorded in the order received. The Society reserves the right to reject all entries after the capacity has been reached. No animal or article will be entitled to a place on the grounds until a proper entry thereof shall have been made, excepting in case of an emergency of the particular department concerned.

#### **Rule 7. Competition Defined**

Competition is defined as a contest for supremacy between two or more products, articles or animals owned by separate exhibitors. Exhibitors having no competition in a class will be awarded a premium at the judge's discretion.

**Rule 8. Ages of Animals**

The ages of all animals must be given and satisfactorily verified, if required. Ages of all animals shall be computed from January first to July first, to determine in what class the animals shall be entered. Age of Exhibitor - For all open animal shows exhibitors must be Clover bud or older. Clover buds must have an adult with them while showing.

**Rule 9. Display of Exhibits and Animals**

Exhibitors must show their exhibits whenever and, in such manner, as required by the Superintendent in charge of the Department. All animals will be shown in the ring and exhibitors must be ready to bring them out when called, either for judgment or parade. Failure to do so entails forfeiture of all prizes.

**Rule 10. Placing Exhibits**

All exhibits must be placed according to department deadlines.

**Rule 11. Dismissal Times**

Dismissal time for animals is Saturday after 8:00 pm, unless otherwise noted in the department. We encourage all departments to stay over till Sunday morning and enjoy the fair. Barns should be empty Sunday by 9 am so we can start cleaning up. Exhibitors who reside outside of Ontario County may begin packing up and leaving under the barn superintendent's supervision at 8pm Saturday, based on distance traveled. **No break down until 8:00 pm.** Milking cows may leave at 8 pm after their show, under the barn superintendent's supervision. This dismissal time will ensure quality exhibits on hand Saturday for our fair going public, and also relieve traffic congestion. All assistance in cleaning up on Sunday morning is greatly needed and appreciated. School Arts and Domestic will be available for pick up Tuesday after the fair from 5:00 - 7:00 PM at the fairgrounds.

**Rule 12. Exhibitors Responsible for Entries**

The Society will not be responsible for the omission of any article or animal not entered in accordance with its rules.

**Rule 13. Revision of Premium List.**

In revising the premium list for subsequent fairs, the Directors will take cognizance of the entries in several classes and will revise the premiums offered in proportion to the entries shown by exhibitors, making the premiums larger where exhibitors recognize the efforts of the Ontario County Agricultural Society to give a high-class exhibit as shown by the number and quality of entries made.

**Rule 14. Stalls and Forage for Animals.**

Stalls or pens for animals will be provided without charge for exhibition. No feed or bedding of any description will be furnished to any Department. Included with showing comes the responsibility for keeping pens and alleys clean while exhibiting, and the responsibility for leaving all pens and alleys clean after being released. Check with Superintendent on release cleaning requirements. Exhibitors will receive only one warning from the show supervisor or appointed assistant concerning the appearance of their pens and "alleys". If the problem persists, any problem exhibitors will lose the right to show their animals and their premiums will be withheld. Each department may assess a stall cleaning fee to be paid with entry fees.

**Rule 15. On Grounds Parking**

To ensure the safety of all and egress on-grounds parking by permit only. Loading and unloading may be permitted early morning at the discretion of the fair board. Vehicles must be moved to parking lot within 30 minutes. Campers are allowed one vehicle near camper as long as it does not block the fire lane. Violators will be towed at the owner expense. Animal Trailing Parking Lot – all trailers will be parked in designated areas.

**Rule 16. Entry Fees**

Entry fees are due at time of entries.

**Rule 17. Liability**

Every possible precaution and courtesy will be extended to exhibitors at the Ontario County Fair, but the Society will not be responsible for loss or damage of exhibits, animals or equipment in case of fire, theft or from Exhibitors, Helpers, Visitors, or Guests. The Society will use diligence to ensure the safety of articles entered for exhibition, after their arrival and placement but under no circumstances done to, or occasioned by or arising from any article on Exhibition, and the exhibitor shall indemnify the Fair and Management thereof, against all legal or other proceedings in regard thereto.

**Rule 18. Payment of Premiums**

Premiums will be distributed at the discretion of the Ontario County Agricultural Society to the winners of the various awards as shown on the Judge's records. The Society reserves the right to wait until NYS premium monies are received to issue checks, and in the event the premium monies are deleted or decreased from the NYS budget, the Society reserves the right to adjust accordingly.

In paying premiums, no evidence of award shall be recognized except the judge's books and not from ribbons that may be attached to exhibits, as ribbons frequently become changed.

All checks issued for premiums must be presented for payment within 90 days. Exhibitors may donate back to the fair.

**Rule 19. Protests**

All protests must be in writing, must state plainly the complaint, and must be delivered to the Secretary within six hours after the cause of protest.

**Rule 20. Judges**

As far as possible, the single judge system will rule, and great care will be taken to select only those who are qualified.

Department superintendent or entry clerk will receive the "books" and ensure the judges awards are documented and returned to the Secretary once complete. Judging will take place as noted in department rules.

No person or persons will be allowed to interfere with judges in the discharge of their duties. Persons wishing to complain in regard to their exhibits can do so through the Superintendent of the Department.

In case an animal or article has not been entered, the judge may not award a premium or have it entered after entries close. No consideration should be given by the judge to an article to which the entry tag is not attached. Adjustments can be made.

When the judges have reason to doubt the pedigree of any animal or bird, or the representation of any article, they must report at once to the Superintendent of that Department, who will gather such evidence as he can at the Secretary's Office or by other methods.

At the time of judging, the judge or clerk assisting him shall cross out on the judge's record, the exhibit number of all entries listed on such record that are not on exhibition.

No entry clerk shall, under any circumstances, allow the entry books of the Society to go from his possession, or to be inspected by anyone except clerks and officers employed by the Society. Any exhibitor or person acting for an exhibitor, found looking through the entry books of the exhibit, will forfeit all premiums or money won.

Where exhibits have been erroneously entered, the judges may have the same corrected by an entry clerk in the Secretary's Office before they judge that class but not after. No addition or changes in the judge's records shall be made by any person except a Superintendent or entry clerk.

The staff are requested to use great care in attaching ribbons upon all articles awarded premiums and be especially careful that these ribbons and entries in the judge's record agree so that there may be no possible chance for errors and consequent dissatisfaction.

The decision of the judges shall be final in all cases, except where mistakes, frauds or misrepresentation are shown. In such cases the directors, or such referee as the directors may select, shall decide.

**Rule 21. Permits and Privileges**

The Management reserves the right of cancellation at any time for reasons satisfactory to it, of all contracts made with concessionaires.

Each concessionaire must confine himself to the space assigned him. Failure to do so will subject him to the forfeiture of his privileges, without recourse.

Concessionaires must abide by the laws of the State, County and City. Anyone found violating these laws will be closed, forfeiting their concession money, and ordered from the grounds. All drinking and eating concessions must furnish themselves with proper and sanitary equipment that will comply with rules and regulations of the Health Department. This rule will be strictly enforced.

All concessionaires shall keep posted in plain view, at the front or entrance to, also conspicuously displayed inside place of business, a sign showing concession number and the price to be charged for meals, lunches or other articles of food offered for sale, or services performed.

The Society authorizes the letting of only such privileges or concessions as are equipped to supply the necessary wants of the people or that may add to their comfort, convenience or pleasure, but under no circumstances will a privilege of a questionable nature or of a demoralizing tendency be let or in any manner tolerated upon the grounds, or in the

buildings, or will any privilege be permitted where the business is conducted in other than legitimate and trade-like manner. The Society will use every precaution to guard against extortion in any form practiced upon the patrons of the fair. A violation of this rule by the concessionaires will cause the forfeiture of contract, money paid, or expulsion from the grounds as the management may direct.

**Rule 22. Advertising Restrictions**

Under no circumstances will any person or firm be allowed to place any advertising matter upon buildings, grounds, trees or any place on the grounds, nor will they be permitted to distribute advertising matter outside the place assigned to them.

**Rule 23. Sale of Goods by Exhibitors**

Exhibitors will not be allowed to sell any goods without permission (though they may receive book orders), nor will they be allowed to call attention to their wares in a noisy or disorderly manner.

**Rule 24. Soliciting Prohibited**

The circulation of subscription lists or soliciting in any manner for whatsoever purpose, will not be permitted in any building or on the fairgrounds other than in regularly authorized concessions and in these excepted instances only upon the written authorization of the officers in charge.

Soliciting subscriptions for any newspaper or periodical will be permitted only upon the written request of publisher or manager to the Secretary of the Ontario County Fair.

Solicitors will not be permitted to give premiums with subscriptions.

**Rules 25. Radio, etc**

All sound-producing exhibits must be of such nature as not to cause annoyances or inconvenience to visitors or other exhibitors. Permission for such use of same must be first obtained from the Secretary.

**Rule 26. Exhibitors Erecting Separate Buildings**  
Exhibitors wishing to erect separate buildings or additional work in buildings or elsewhere should make their request to the Secretary. In all cases, the exhibitor must bear the expense. Any structure erected and not removed within ten (10) days after the close of the fair shall become the property of the Ontario County Agricultural Society.

**Rule 27. Electric Lights and Power**  
Charges for electricity and wiring shall be made to exhibitors and concessionaires in keeping with the schedule on file in the office of the Secretary of the Fair, which will be furnished upon request. Any and all campers or trailers used for living quarters will be charged a fee. See camping registration. May be an additional fee for air conditioner.- subject to power availability. Fees are subject to change without notice.

Camping must abide by DOH rules. Proper extension cords and back flow preventers on water hookup are required.

**Rule 28. Delivery Trucks**  
The Fair Association reserves the right to exclude any and all delivery vehicles, if in their judgment their methods are detrimental to the best interests of the Fair.

**Rule 29. Parking**  
Automobiles and all other vehicles must be parked in a space designated by the Society and not elsewhere. The Society shall not be liable under any circumstances, whether of negligence of itself, its agents or otherwise, for any injury to his or her person or for any loss or injury to his or her property.

**Rule 30. Undesirable**  
Beggars, touts or any person found practicing objectionable professions will be immediately escorted from the Fair Grounds.

**Rule 31. Guests**  
Officers of other Agricultural Societies are cordially invited to attend the Ontario County Fair and are respectfully requested to present themselves to the Secretary's Office.

**Rule 32. Dates of Fair**  
The Ontario County Fair will be held at Canandaigua, NY unless postponed or cancelled as a result of war, Acts of God, Government regulations or any other reason. Eastern Daylight Savings Time will be observed.

**Rule 33. Minors**  
Any minor staying overnight anytime during the Ontario County Fair MUST have written parental permission, 4H leader permission, and presented to the barn superintendent for approval. The permission slip must then be turned in to the Fair Secretary. There must be an adult chaperon who will be responsible for the minor who is staying overnight at the fairgrounds.

**Rule 34. Pets**  
No animals, except those involved in exhibition, dog obedience or seeing eye will be allowed on the grounds.

**Rule 35. Time Procedures**  
Exhibitors at the fair should be well aware of arrival and dismissal time procedures. This is true for livestock since adequate time should be allowed for "check in" by state veterinarians. These procedures are incorporated within the premium book. Each person that visits the fair is entitled to view all exhibits. A strong showing by exhibitors creates interest and builds a "better fair" Since the Department of Agriculture and Markets is responsible for the reimbursement of certain premiums, the fair has a responsibility to regulate exhibits receiving these premiums. Any exhibit arriving late, or removed early without fair approval, will not be eligible to receive premium money.

**Rule 36. Section 288**  
Agriculture and Markets law defines "games of chance" and prohibits said games (including raffles) on the fairgrounds during fair week.

**NEW YORK STATE  
DEPARTMENT OF  
AGRICULTURE AND  
MARKETS**

**Circular 861**

**SELECTED STATUTES AND REGULATIONS  
RELATING TO AGRICULTURAL SOCIETIES AND  
FAIRS,**

**Including:**

**Agriculture and Markets Law, Article 24; Rules and Regulations of the  
Department of Agriculture and Markets; and excerpts from the Not-  
For-Profit Corporations Law.**

*(Revised February 2020)*

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**NOTE: The resolution of specific issues that arise under any of the laws referred to in this circular may require an examination of the full text of the law. Fair managers and directors should consult with the fair’s attorney.**

**AGRICULTURE AND MARKETS LAW, ARTICLE 24**  
**PROMOTION OF AGRICULTURE & DOMESTIC ARTS; AGRICULTURAL SOCIETIES**

**§ 286. Appropriation and apportionment of moneys for the promotion of agriculture and domestic arts.**

1. There shall be appropriated annually for the department of agriculture and markets an amount of money sufficient to pay and satisfy the reimbursement moneys herein specified and which money shall be disbursed by the commissioner on behalf of the state for the promotion of agriculture and domestic arts, to duly incorporated agricultural or horticultural corporations as defined in section fourteen hundred nine of the not-for-profit corporation law, the county extension service association in the county of Orange, the American institute in the city of New York, the Goshen Historic Track, Inc., the Genesee Valley Breeders' Association, Inc. and county extension service associations in proportion to the actual premiums paid during the previous year including premiums paid for trials or tests of speed and endurance of harness horses.

2. Eligibility. (a) To qualify for premium reimbursement under this section, agricultural and horticultural corporations, the county extension service association in the county of Orange, the American institute in the city of New York, the Goshen Historic Track, Inc. and the Genesee Valley Breeders' Association, Inc. must have held, with the approval of the commissioner, an annual fair or exposition for the promotion of agriculture and domestic arts during the previous calendar year, paid at least five thousand dollars in actual premiums and filed an annual report as required in paragraph (c) of this subdivision.

(b) To qualify for premium reimbursement under this section a county extension service association must have held, with the approval of the commissioner, a fair or exposition for the promotion of agriculture and domestic arts during the previous calendar year open to all youths in that county up to age twenty-one. Except for the county extension service association in the county of Orange, a county extension service association may not receive reimbursement for a fair or exposition in a county where an agricultural or horticultural corporation or the American institute in the city of New York has held such a fair or exposition during the past two years. A county extension service association must have paid at least five hundred dollars in actual premiums and filed an annual report as required in paragraph (c) of this subdivision.

(c) All organizations eligible to receive moneys appropriated by the state pursuant to this section shall file with the Department an annual report on or before the fifteenth day of December. The report shall list all premiums awarded during the calendar year and the exhibits for which the premiums were awarded.

3. Reimbursement amounts. (a) Each organization eligible for premium reimbursement pursuant to paragraph (a) of subdivision two of this section shall receive seven thousand two hundred dollars or the amount actually paid out in premiums, whichever is less. Each organization that has paid out more than seven thousand two hundred dollars shall also be eligible to receive an additional reimbursement equal to the premiums paid in its youth department, not to exceed one thousand five hundred dollars.

(b) Each eligible cooperative extension association shall receive five thousand dollars or the amount actually paid out in premiums, whichever is less.

(c) After reimbursements have been allocated pursuant to paragraphs (a) and (b) of this subdivision, the remaining appropriation, if any, shall be distributed in equal shares to the agricultural or horticultural corporations, the county extension service association in the county of Orange, the American institute in the city of New York, the Goshen Historic Track, Inc. and the Genesee Valley Breeders' Association, Inc. if they have not been fully reimbursed as a result of the allocations set forth above. The American institute in the city of New York, if eligible, shall receive two shares of the pro-rated amount.

(d) In no event shall any agricultural or horticultural corporation, the county extension service association in the county of Orange, the American institute in the city of New York, the Goshen Historic Track, Inc. or the Genesee Valley Breeders' Association, Inc. receive more than the amount actually paid out in premiums or twelve thousand dollars, whichever is less.

4. Any organization that shall fail or neglect to hold an annual fair or exposition and file its annual report for two consecutive years, shall forfeit any privileges or money to which it may otherwise be entitled pursuant to the provisions of this article. In computing such period of two consecutive years, no year shall be counted in which such failure was deemed by the commissioner to be attributable to a cause or condition with respect to which the organization or its directors or officers had no control, or for any other reason which the commissioner deems justified.

5. For the purposes of this article, Rockland County Future, Inc. shall be eligible for premium reimbursement, as provided in paragraph of subdivision three of this section so long as such organization (a) of subdivision three of this section so long as such organization has held, with the approval of the commissioner, an annual fair or exposition for the promotion of agriculture and domestic arts in conjunction with a county extension service association during the previous calendar year; paid at least five thousand dollars in actual premiums; and filed an annual report as required in paragraph (c) of subdivision two of this section.

## **§ 286-a. Construction of certain terms of lease of lands used for fair purposes.**

The inability of any agricultural society entitled to receive moneys from the state under section two hundred eighty-six of this chapter, to hold its annual fair or exposition on lands leased to it for that purpose which is occasioned by the use of such lands, for military or war purposes, during either of the years nineteen hundred forty-two, nineteen hundred forty-three and nineteen hundred forty-four, shall not be deemed to be a failure to hold such fair or exposition contemplated by the parties to, or within the meaning of the terms of any contract, agreement or lease therefor, executed prior thereto, which provides for the termination of such contract, agreement or lease upon the failure of such agricultural society to hold its annual fair or exposition and no action or proceeding for the termination of such a contract, agreement or lease shall be maintained for failure of such agricultural society or institute to hold its annual fair or exposition, where such failure is occasioned by the use of such lands, building or property for military or war purposes.

**§ 287. Supervision of agricultural fairs and expositions.**

The commissioner, after consultation with the dean of the State College of Agriculture at Cornell University, shall have power to establish and promulgate from time to time standards for the conduct of such fairs and expositions in respect to premium lists, exhibits, judging and other educational and agricultural activities. No disbursement shall be made to any agricultural society or to said institute if the last preceding fair or exposition of such society or said institute shall not have been of a standard worthy, in the opinion of the commissioner, of state aid, based upon its contribution to the promotion of agriculture and domestic arts.

**§ 288. Gambling; obscene shows; state police enforcement.**

No immoral, lewd, obscene or indecent show or exhibition, and no gambling device or devices, instrument or contrivance in the operation of which bets are laid or wagers made, wheel of fortune, or game of chance, shall be permitted upon the grounds during the annual meeting, fair or exposition of any county agricultural society or town or other agricultural society, and it shall be the duty of the state police to enforce this prohibition. This prohibition shall not be construed to prohibit horse racing, tests or trials of skill, or raffles as defined in article nine-A of the general municipal law.

**§ 290. Association of farmers; powers of.**

Any association of farmers, residing in any neighborhood, town or county in this state, now, or hereafter to be organized, and acting under a constitution and by-laws adopted by themselves for their guidance, which shall be filed in the clerk's office of such town or county and which are not inconsistent with the laws of this state, is hereby authorized to lease and maintain grounds and structures for the exhibition and sale of the products of their farms or their skill, and for the instruction and recreation of its members and visitors. Any such association shall have authority to let, for rent, locations on their leased grounds to exhibitions, entertainments, shopmen and persons wishing to furnish suitable refreshments for victualing members and visitors or for storage of personal property when property is available for such activity; to license peddlers to sell on their grounds articles of merchandise, not forbidden to be sold by any law of this state without license from the state; and in the name of such association and upon the action and direction of its officers, to sue for and collect the stipulated sums of such rentals and licenses, and to enforce the observance of its rules and regulations by the several members of its association. And such association is hereby empowered to issue certificates of indebtedness in amounts of five dollars each, providing that the whole amount shall not exceed the sum of one thousand dollars, which they may sell at a price not below the par value thereof, for the purpose of raising money for the erection of buildings, or for such other improvements as may be deemed necessary by a majority of the members of such association.

CODES, RULES AND REGULATIONS OF THE STATE  
OF NEW YORK TITLE 1. DEPARTMENT OF  
AGRICULTURE AND MARKETS CHAPTER VII.  
AGRICULTURAL FAIRS

**PART 350 STANDARDS FOR CONDUCT OF FAIRS**

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Fair sponsor; definition.

No fee for 4-H, F.F.A., junior fair or school department exhibits.

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Exhibits to be plainly labeled.

Reexhibition in domestic department.

Ownership of exhibits entered in fairs and shows.

Rejection or refusal of an exhibit.

Compliance with and enforcement of livestock health requirements.

**§ 350.1 Fair sponsor; definition.**

For purposes of this Part a *fair sponsor* shall mean any organization that receives money from the State for the promotion of agriculture and domestic arts pursuant to article 24 of the Agriculture and Markets Law.

**§ 350.2 No fee for 4-H, F.F.A., junior fair or school department exhibits.**

No entry fee shall be charged for 4-H Club, F.F.A. and junior fair exhibits entered for competition in their own classes, or for entries in the school department.

**§ 350.3 Prompt, full payment of premiums.**

All premiums advertised and awarded must be paid promptly and in full, without deduction in the guise of donations or otherwise, notwithstanding any statement to the contrary or in modification thereof announced or stated in the premium book.

**No premium for unworthy exhibit.**

No premium should be awarded by any judge or paid by any fair sponsor for an unworthy exhibit.

**Premium amount to attract well-balanced exhibits.**

The amount of premium offered in the various departments should be such as to secure well-balanced exhibits, in the light of the types of agriculture carried on in the territory served by the fair.

### **No exhibits by judges in departments they oversee.**

No judges shall be permitted to enter exhibits in competition for premiums in the department with which they are connected.

### **Exhibits to be plainly labeled.**

All exhibits must be plainly labeled so that the full significance of the exhibits will be made clear.

### **Reexhibition in domestic department.**

No article shall be exhibited in the domestic department if it has been previously exhibited therein, unless permitted by official action of the board of directors of the fair sponsor.

### **Ownership of exhibits entered in fairs and shows.**

(a) All exhibits shall be entered in the name of the exhibit owner; provided, however, that any animal exhibit entered in a youth fair, youth exhibition, or 4-H show or exhibition may be entered in the name of the exhibitor.

(b) Exhibits shall have been owned by the exhibitor for a period of at least 30 days prior to entry of the exhibit; provided, however, that any animal exhibit entered in a youth fair, youth exhibition or 4-H show or exhibition shall have been in the care of the exhibitor for a period of at least 60 days prior to entry of the exhibit.

(c) Proof of ownership of any exhibit shall be provided by the exhibitor, upon request, to the fair sponsor.

(d) The fair sponsor may limit the number of breeds shown by any exhibitor.

### **Rejection or refusal of an exhibit.**

Any fair sponsor shall reserve the right to reject or refuse, and to order the removal of, any exhibit which, in the opinion of its board of directors, is not eligible or worthy of showing or has not met the livestock health requirements set forth in Part 351 of this Title.

### **Compliance with and enforcement of livestock health requirements.**

Each fair sponsor shall comply with and enforce the livestock health requirements set forth in Part 351 of this Title.

# PART 351 ANIMAL HEALTH REQUIREMENTS FOR ADMISSION TO FAIRS

Sec.

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## Definitions.

For the purposes of this Part:

(a) Accredited veterinarian means a veterinarian approved as a category 2 accredited veterinarian by the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture to perform the functions of Federal and cooperative State-Federal programs for animal disease control.

(b) Animal means any living creature, except a human being.

(c) Cattle means any member of the genus *Bos*.

(d) Commissioner means the Commissioner of Agriculture and Markets of the State of New York and any officer or employee of the Department of Agriculture and Markets of the State of New York duly delegated pursuant to section 17 of the Agriculture and Markets Law.

(e) Deer means any member of the family *Cervidae* including deer, elk and moose.

(f) Department means the New York State Department of Agriculture and Markets.

(g) Fair means any fair or exposition, which qualifies for premium reimbursement under Agriculture and Markets Law, section 286, and the New York State Fair.

(h) Flock means all poultry on one farm except that, at the discretion of the commissioner, any group of poultry which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(i) Herd means:

(1) any animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm or ranch);

(2) all animals under common ownership or supervision on two or more premises that are geographically separated, but on which the animals have been interchanged or where there has been contact among the animals on the different premises. Contact between animals on the different premises will be assumed unless the owner establishes otherwise and the results of an epidemiological investigation are consistent with the lack of contact between premises; or

(3) all animals on common premises, such as community pastures or grazing association units, but owned by different persons. Other groups of animals under the same ownership which are located on other premises are considered to be part of this herd unless an epidemiological investigation establishes that animals from the affected herd have not had the opportunity for direct or indirect contact with animals from that specific premises.

(j) Herd of origin means any herd of animals or any farm or other premises where the animals were born or where animals have been kept for four months or more before the date of shipping, provided animals from other premises have not been assembled on the farm or premises within four months before the date of shipment.

(k) Horse means any member of the family Equidae including horses, asses, mules and zebras.

(l) Interstate certificate of veterinary inspection means the original preprinted document which:

(1) is issued by an accredited veterinarian and approved by the chief livestock health official or such official's designee of the state or country of origin;

(2) identifies each animal to be moved into this State with U.S.D.A. approved official identification where applicable. For species that U.S.D.A. has not defined approved identification the identification shall be in a form approved by the commissioner. All manmade identification shall be recorded including all ear tags, ear notches, tattoos and electronic identification devices carried by the animal, its species, breed, age, sex, registration number and any other unique description; and

(3) includes the full name and address of both consignor and consignee, the date of issue, the dates and results of qualifying tests, the anticipated date of entry of the animal into New York State, and a statement that the individual animal and that animal's herd of origin has been inspected by a category 2 accredited veterinarian and no evidence of infectious, contagious or communicable disease was found (except where noted) and that the results of the tests are as indicated.

(m) Intrastate certificate of veterinary inspection means the original preprinted document which:

(1) contains the name and address of the owner;

(2) identifies each individual animal with U.S.D.A. approved official identification where applicable. For species that U.S.D.A. has not defined approved identification the identification shall be in a form approved by the commissioner. All manmade identification shall be recorded including all ear tags, ear notches, tattoos and electronic identification devices carried by the animal, its species, breed, age, sex, registration number and any other unique description;



- (3) includes a statement that the individual animal and that animal's herd of origin has been inspected by a category 2 accredited veterinarian on or after May 1st of the current year and no evidence of infectious, contagious or communicable disease was found (except where noted);
- (4) verifies that all required vaccinations and tests have been performed and provides a record of the results of any or all required tests; and
- (5) includes the signature of the accredited veterinarian who has inspected the animals identified on the certificate verifying the accuracy of the statements thereon.
- (n) New World camelidae means any member of the camelidae family native to South America, including alpacas (*Vicugna pacos*), llamas (*Lama glama*), guanacos (*Lama guanicoe*) and vicunas (*Vicugna vicugna*).
- (o) Primary vaccination means the initial injection of a vaccine suitable for the species that meets the standards prescribed by the U.S.D.A. for interstate sale and is administered according to the manufacturer's instructions under the direction of a licensed veterinarian.
- (p) Poultry means domesticated fowl, including chickens, turkeys, waterfowl and game birds, except doves and pigeons.
- (q) Ruminant means any member of the suborder Ruminantia including cattle, goats, sheep, bison, giraffes and antelope.
- (r) State means New York State.
- (s) Swine means any member of the family Suidae, feral or domestic.
- (t) U.S.D.A. means United States Department of Agriculture.

### **Prohibitions.**

No person shall bring or have present an animal on the fairgrounds during a fair which is not qualified under the provisions of this Part. No person shall present an interstate or intrastate certificate of veterinary inspection that has been altered by anyone other than the issuing veterinarian or an authorized agent.

### **General requirements.**

- (a) Animals demonstrating clinical signs or other evidence of infectious, contagious or communicable diseases shall not be allowed on the fairgrounds during a fair.
- (b) The commissioner may deny admission to, or require removal from the fair premises, or require the segregation of any animal affected with or exposed to any infectious, contagious or communicable disease.
- (c) All animals presented for admission to a fair that originate from a location other than this State shall meet all State importation regulations appropriate to the species in addition to the requirements of this Part. State importation requirements can be obtained by contacting the department at 10B Airline Drive, Albany, NY 12235, (518) 457-3502, [www.agriculture.ny.gov](http://www.agriculture.ny.gov).

(d) Animals originating from the State that qualify for admission under this Part at one fair shall be considered approved for admission at all other New York State fairs conducted during the same calendar year, subject to compliance with the rabies vaccination requirements of individual fairs, provided that the health status of the individual animal or the herd of origin does not change in the interim period. Imported animals entering a fair accompanied by an interstate certificate of veterinary inspection may utilize the same certificate at all other New York State fairs conducted during the same calendar year if the initial entry to a fair is within 30 days of issuance.

(e) In the event the commissioner issues a notice pursuant to New York State Agriculture and Markets Law, section 72 affecting an area which includes a fairground, all animals presented for admission to that fair shall be in compliance with the disease control requirements of such notice.

### **Rabies vaccination requirement.**

(a) To qualify for admission to a fair, all animals four months of age or older for which a rabies vaccine labeled by the manufacturer for that species is available shall be accompanied by proof that the animal has been vaccinated against rabies. Vaccination shall be administered according to the manufacturer instructions within the duration of protection indicated. Animals four months of age or older for which no labeled vaccine is available shall be accompanied by proof that the animal is vaccinated against rabies if required by the rules of an individual fair.

(b) Acceptable proof of vaccination includes a signed written statement from the veterinarian or a valid certificate of veterinary inspection that has the vaccination listed and is signed by the accredited veterinarian. Acceptable proof of vaccination shall include the name of the product used and the date of administration.

### **Certificate of veterinary inspection.**

(a) To qualify for admission to a fair all deer, llamas, ruminants and swine shall:

(1) be accompanied by an original intrastate or interstate certificate of veterinary inspection as defined in section 351.1 of this Part which shall be presented to the commissioner at any time upon request.

### **Cattle.**

In addition to the requirements listed in sections 351.4 and 351.5 of this Part, all cattle presented for admission to a fair shall be accompanied by an original intrastate or interstate certificate of veterinary inspection that contains proof that the cattle have tested negative for being persistently infected with bovine viral diarrhea and proof that the cattle are vaccinated against bovine respiratory disease complex, including bovine respiratory syncytial virus, bovine viral diarrhea, infectious bovine rhinotracheitis, and parainfluenza with a product administered in a manner and time frame adequate to confer protective immunity for these diseases for the duration of the fair.

## Deer.

(a) In addition to the requirements listed in sections 351.4 and 351.5 of this Part, all deer presented for admission to a fair must be accompanied by a permit as required by Parts 60, 62 and 68 of this Title. Permit information can be obtained by contacting the department at 10B Airline Drive, Albany, NY 12235, (518) 457-3502, [www.agriculture.ny.gov](http://www.agriculture.ny.gov)

## Horses.

In addition to the requirements listed in sections 351.3 and 351.4 of this Part, all horses six months of age or older presented for admission to a fair must be accompanied by an original certificate or statement showing that the horse has tested negative to a U.S.D.A. approved test for equine infectious anemia (swamp fever) during the calendar year in which the fair is held or during the preceding calendar year.

(a) The required certificate shall include a complete identification of the horse, the date of the test, and the name and address of the laboratory that conducted the test.

(b) The certificate must be signed by an accredited veterinarian and the director of the laboratory where the test was conducted.

## New World camelidae.

In addition to the requirements listed in sections 351.4 and 351.5 of this Part, all New World camelidae presented for admission to a fair must be accompanied by an original intrastate or interstate certificate of veterinary inspection that contains proof that the New World camelidae have tested negative for being persistently infected with bovine viral diarrhea.

## Swine.

In addition to the requirements set forth in section 351.5 of this Part, all swine presented for admission to a fair shall be identified by USDA approved official eartag.

## Poultry.

All poultry presented for admission to a fair:

(a) shall be accompanied by results of a negative pullorum typhoid test conducted within 90 days prior to the opening date of the fair or originate directly from a U.S. pullorum- typhoid clean or equivalent flock. Waterfowl are exempt from this requirement. Pullorum test negative poultry shall be identified by official leg band. Poultry originating from a status flock shall be accompanied by proof of status.

## Sheep and goats.

(a) In addition to the requirements listed in sections 351.4 and 351.5 of this Part, all sheep and goats presented for admission to a fair must be accompanied by an original intrastate or interstate certificate of veterinary inspection that contains a statement that the herd of origin was inspected on or after May 1st of the current year and no evidence of contagious, infectious or communicable diseases was found.

(b) If evidence of soremouth (contagious ecthyma) is found on any sheep or goat, the entire exhibit including the affected animals shall immediately be removed from the fair premises.

(c) All sheep and goats must be individually identified by U.S.D.A. approved scrapie program identification as required under section 62.5 of this Title.

#### **Isolation on returning home.**

The owner or custodian shall keep show animals biologically separate from the herd or flock for a period of at least two weeks after returning to the premise of origin.

#### **Fair premium book.**

(a) The foregoing requirements shall be printed in each fair's premium book.

(b) Except as expressly permitted herein or as mandated by any Federal, State or county law, no fair shall impose requirements in addition to, or different from, the requirements set forth under this Part.

# PART 352 TESTING HORSES FOR DRUGS AT PULLING CONTESTS

Sec.

Definitions

Prohibition

Test

Assistance in the enforcement of this Part

Penalties

## Definitions.

- (a) Commissioner. The Commissioner of the New York State Department of Agriculture and Markets.
- (b) Department. New York State Department of Agriculture and Markets.
- (c) Director. The Director of the Division of Animal Industry of the New York State Department of Agriculture and Markets.
- (d) Drug. Any drug, medication, stimulant, depressant, hypnotic or narcotic used in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals.
- (e) Fair. All agricultural fairs and expositions, including the New York State Fair, which hold pulling contests and receive premium reimbursement from New York State.
- (f) Horses. All members of the family Equidae.
- (g) Laboratory. A laboratory designated by the commissioner to perform tests on official samples of blood, saliva and urine.
- (h) Official sample. A blood sample, a saliva sample or a urine sample obtained from a horse entered in a pulling contest for a test.
- (i) Test. A test performed at a laboratory on an official sample to determine the presence of drugs.
- (j) Veterinarian. A veterinarian licensed and accredited by New York State and authorized by the director to take official samples.

## Prohibition.

No person shall enter or drive a horse which has a drug in its body in a pulling contest.

## Tests.

- (a) An official sample shall be taken by a veterinarian of at least four horses chosen by lot in every weight class. Each horse entering each weight class shall be identified by number. Numbers shall be drawn by lot until at least four horses are designated for official sampling.

(b) The veterinarian or any judge may also require that an official sample be taken of any horse not included in the selection specified in subdivision (a) of this section, if in his or her opinion such a sample is necessary to assure the integrity of the testing program.

(c) Each official sample shall be submitted by the veterinarian to a laboratory for a test. Test results disclosing the presence of drugs shall be forwarded to the director who shall notify the fair concerned and shall give written notice thereof by regular mail, personal service or certified mail to the owner and the person having care, custody or control of the horse.

### **Assistance in the enforcement of this Part.**

(a) The owner or the person having the care, custody or control of any horse shall present such horse for appropriate sample collection when so directed by the veterinarian, and shall restrain the horse and supply the assistance necessary for the veterinarian to obtain the official sample. Failure of the owner or the person having the care, custody or control of a horse to submit it for testing or failure to provide adequate assistance to the veterinarian in obtaining an official sample shall result in forfeiture of all rights to premiums paid for the contest for which the sample was to be collected and immediate exclusion from participation in future pulling contests at fairs.

(b) Responsibility of fairs.

Each fair shall comply with and assist in the enforcement of this Part and provide such restraint facilities and lighting as may be required by the department.

### **Penalties.**

The owner of any horse which tests positive for the presence of drugs shall be held responsible for the violation.

(a) First violation. Within 15 days from the date of the notice of the first violation, the owner shall return to the director for refund to the appropriate fair, any premium awarded in the pulling contest for which the sample was taken. The owner shall be subject to a penalty pursuant to Agriculture and Markets Law, section 40.

(b) Second violation. Within 15 days from the date of notice of the second violation, the owner shall return to the director for refund to the appropriate fair, any premium awarded in the pulling contest for which the sample was taken. The owner shall be subject to a penalty pursuant to Agriculture and Markets Law, section 40.

(c) Third violation. Within 15 days from the date of the notice of the third violation, the owner shall return to the director for refund to the appropriate fair, any premium awarded in the pulling contest for which the sample was taken. The owner shall be subject to a penalty pursuant to Agriculture and Markets Law, section 40. Further, the owner shall thereafter be prohibited from participating in pulling contests at fairs for two years from the date of the notification of the third violation.

(d) Succeeding violations. Within 15 days from the date of the notice of succeeding violations, the owner shall return to the director for refund to the appropriate fair, any premium awarded in the horse pulling contest for which the sample was taken. The owner shall be subject to a penalty pursuant to Agriculture and Markets Law, section 40. Further, the owner shall be prohibited from participating in pulling contests at fairs for five years from the date of the notification of the succeeding violation.

(e) Failure to return the premium within the 15-day period will result in the exclusion of the owner from participation in pulling contests at fairs thereafter, unless a request for hearing has been made pursuant to subdivision (f) of this section.

(f) If, within 15 days from the date of the notice of any violation, the owner makes a written request to the commissioner for a hearing, the commissioner, upon reasonable notice to all parties and to the fair at which the pulling contest was held and at which the sample in question was taken, shall fix a date for a hearing to be held pursuant to article 3 of the Agriculture and Markets Law of the State of New York and the rules and regulations of the New York State Department of Agriculture and Markets.

(1) Each request for a hearing must be accompanied by a security deposit in the form of a certified check or money order equal to the amount of premium moneys received in the pulling contest at which the alleged violation occurred. If, subsequent to the date of the pulling contest at which the violation occurred and before the determination is made upon the hearing, the owner receives any premium moneys from any other pulling contests in fairs, the amount of the security deposit shall be increased by the amount of such premium.

(2) After such hearing, the commissioner shall issue a determination and order setting forth any penalties which shall be assessed and the grounds upon which they are based, and any premium moneys which must be returned. The security deposit shall be applied to the payment of premium moneys. Any balance of security deposit funds remaining after such payments are deducted shall be returned to the owner. As required in this Part, the commissioner shall also order that the owner be prohibited from participating in pulling contests.

## EXCERPTS FROM THE NOT-FOR-PROFIT CORPORATIONS LAW

### § 1409. Agricultural and horticultural corporations.

#### (a) Definition.

An agricultural or horticultural corporation or society is a corporation formed under or by a general or special law for promoting agriculture, horticulture and the mechanic arts.

#### (b) Type of corporation.

An agricultural or horticultural corporation is a non-charitable corporation under this chapter, except that any such corporation which has received moneys from the state or has acted as agent for the state under paragraph (c) of this section, or has acquired or does acquire real property by condemnation is or becomes a charitable corporation under this chapter.

#### (c) Condemnation.

In case any agricultural or horticultural corporation or any other agricultural society which has received moneys from the state for premiums paid for improving the breed of cattle, sheep and horses, or has acted as agent for the state in disbursing moneys for such purpose can not acquire real property needed for its corporate purposes upon satisfactory terms, it may acquire such real property by condemnation. Any real property acquired by condemnation, or otherwise, shall not be subject to condemnation by any other private corporation except a railroad corporation.

#### (d) Report of corporation receiving aid; disposition of property.

Any county agricultural corporation receiving after May tenth, nineteen hundred and twenty, money from any county shall, through its secretary, make annually to the board of supervisors a detailed statement with vouchers showing the disbursement during the year of all moneys so received. If such a corporation shall cease to exist, or without satisfactory reason shall fail or neglect to hold its annual exhibitions or fairs for a period of two years, the board of supervisors on notice to the corporation may petition the supreme court of the judicial district or the county court of the county to declare a forfeiture to the county of the real and personal property of the corporation in whole or in part or to confer on the county a lien upon such property, whereupon such court may make a decree determining the legal or equitable rights of the county in such property subject to the rights of creditors of the corporation.

#### (e) Restrictions on the formation of corporations.

There shall be but one county corporation in a county, and but one town corporation in a town, except that a second corporation may be formed if it is to be the surviving corporation under a plan of merger with the existing corporation, in which event, the certificate of incorporation of such second corporation shall have endorsed thereon or annexed thereto the approval of a justice of the supreme court of the judicial district in which the office of such corporation is to be located. Ten days written notice of the application for such approval, accompanied by a copy of the proposed certificate, shall be given to the attorney general. Whenever a new county shall be or shall have been erected out of a part of an existing county in which a county corporation existed at the



time of the erection of such new county, the existing corporation may at its option be continued as the county corporation of both counties. The determination of an existing corporation to be continued as a county corporation for both counties shall be evidenced by a certificate thereof, signed and acknowledged by a majority of the directors, and filed in the office of the secretary of state and in the office of the clerk of each of such counties. A town corporation may be formed for several towns, but the formation of such corporation shall not prevent the formation of a separate town corporation for any such town.

(f) Annual fairs and premiums.

Every agricultural or horticultural corporation, the American institute in the city of New York, and the New York state agricultural society, shall hold annual fairs and exhibitions, and distribute premiums. Such corporations and societies shall regulate and award premiums on such articles, productions and improvements as they deem best calculated to promote the agricultural, horticultural, mechanic and domestic arts of the state, having special reference to the net profits which accrue or are likely to accrue from the mode of raising crops, or stock, or fabricating the articles exhibited, so that the award be made to the most economical or profitable mode of production. A county or town corporation, by a two-thirds vote of the members present and voting at a regular meeting or at a special meeting, duly called for that purpose, may fix the place where the annual fair and exhibition of the corporation shall be held.

(g) Regulation of shows on exhibition grounds.

Any agricultural or horticultural corporation, or the executive committee of such board, may regulate or prevent all kinds of theatrical, or circus, exhibitions and shows, huckstering and traffic in fruits, goods, wares and merchandise, of whatever description, and shall prevent all kinds of mountebank exhibitions or shows for gain on the fair days on such fair grounds, and also within a distance of two hundred yards of the fair grounds of the corporation, if it shall determine that they obstruct or interfere with the free and uninterrupted use of the highways around and approaching such fair grounds.

(h) Capital stock.

An agricultural or horticultural corporation may have capital stock aggregating not less than five thousand dollars, divided into shares of not less than ten dollars each, and may issue such certificates at not less than the par value thereof to raise money for its corporate purposes, if provision therefor is made in its certificate of incorporation or in a certificate filed pursuant to section 803 (Certificate of amendment; contents). An agricultural or horticultural corporation, which has issued or shall hereafter issue capital stock, entitling its shareholders to dividends from the profits of the corporation, shall be subject to the business corporation law and not to the provisions of this chapter in conflict therewith.

(i) Annual report.

On or before December fifteenth in each year, the directors of every agricultural or horticultural corporation shall make a verified report to the commissioner of agriculture and markets of the transactions of the corporation for the preceding twelve months giving full details of the receipts and expenditures thereof, with a list of premiums awarded and to whom and for what awarded.

(j) Membership in state society.

The presidents of the county agricultural corporations, or delegates to be chosen by such corporations annually, shall be ex officio members of the New York state agricultural society.

(k) Exhibitions and entertainments on fair grounds to be exempt from license.

The provisions of any special or local law or municipal ordinance, requiring the payment of a license fee for exhibitions or entertainments or requiring that an approval be obtained from any local government except an approval required to protect the safety, health and well-being of persons, shall not apply to any exhibition or entertainment held on the grounds of a town or county corporation whether or not the corporation derives a pecuniary profit from such exhibition or entertainment by the lease of its grounds for such purpose and the provisions of any special or local law or municipal ordinance shall not be construed or applied to unreasonably prohibit or restrict any agricultural or horticultural corporation receiving reimbursement pursuant to article twenty-four of the agriculture and markets law from the construction, improvement, renovation, relocation or demolition of all or any of such agricultural or horticultural corporation grounds, buildings and