

(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.

~~County~~

~~City~~

~~Town~~

~~Village~~

of Cape Vincent

Local Law No. 1 of the year 1999

Local law regulating dogs  
(Insert Title)

It enacted by the Village Board of the  
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Cape Vincent

as follows:

Article 1. - Authority. The Board of Trustees of the Village of Cape Vincent, pursuant to the authority granted it under Article 7 of the Agriculture and Markets Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Board of the Trustees of the Village of Cape Vincent has determined that the uncontrolled running at large of dogs within the Village results in increased danger to the residents of the Village, their children, their property, and domestic animals from the possibility of dog attack and damage. In order to protect the health, safety and welfare of the residents of the Village of Cape Vincent, this local law establishes a means of controlling and preventing dogs running at large within the Village.

Article 3. - Enactment. The Code of the Village of Cape Vincent is hereby amended to adopt a dog control law as follows:

Section 1. - Dogs Running at Large. No person owning, keeping, harboring or having the custody of a dog shall permit such dog to be at large anywhere within the Village of Cape Vincent other than on the premises of said person.

- a) The owner, keeper, harbinger or person having custody or control of a dog in the Village of Cape Vincent shall control and restrain such dog and shall be of such

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

physical ability so as to be able to control and restrain the same by an adequate collar and leash not extending six feet in length, except when the dog is on the premises of said person.

- b) In the event that a dog is chained or tied on the premises of the owner, keeper, harbinger, or person having custody, such dog shall be restrained in a manner so that the dog may not leave the premises of said person.

Section 2. - Nuisance from Dogs.

- a) No person owning, keeping, harboring, or having the custody and control of a dog shall suffer, permit, or allow such dog to urinate, defecate, or to commit any other nuisances in any park, public place, or on any private property other than that of said person, except that a dog being walked on a leash shall be curbed and any feces deposited by the dog shall be cleaned up immediately by the owner, keeper, harbinger or person having control of the dog. To curb a dog shall mean that the dog shall not be allowed to urinate or defecate except along the edge of the road.
- b) No such person shall permit a dog to habitually bark or cry to the extent that such dog shall disturb or interfere with the peaceful living of any person.
- c) No such person shall allow a dog to bite, snap, or growl at any person in such manner as shall reasonably put such person in fear of attack by such dog. This shall include intimidating or jumping upon any person or knocking any person over.
- d) No such person shall allow a dog to be unleashed upon the school yards of the school located in the Village.
- e) No such person shall allow a dog to attack another dog or pet.
- f) No such person shall allow an unspayed female dog to be at large if actually or apparently in heat.
- g) No such person shall allow a dog to tamper with or forage in garbage pails or trash containers.

Section 3. - Dog Control Officer. The Board of Trustees, in its discretion by resolution, may appoint one or more Dog Control Officers for the purpose of assisting with the control of dogs and the enforcement of Article 7 of the Agriculture and Markets Law, this local law and any rules promulgated thereto, as either are amended from time to time. The Board

of Trustees in its discretion and by resolution, subject to an appropriate contract, may appoint jointly with one or more municipalities, one or more Dog Control Officers having jurisdiction in each of the cooperating municipalities. In addition, any other law enforcement official or Code Enforcement Officer may enforce the provisions of this local law.

Section 4. - Contract for Dog Control Services. In lieu of or in addition to the appointment of a Dog Control Officer, the Village Board of Trustees in its discretion and by resolution, subject to an appropriate contract, may contract for services similar to those which would be performed by a Dog Control Officer with any other municipality or with any incorporated humane society or similarly incorporated dog protective association.

Section 5. - Enforcement.

- a) Any person violating any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable: for the first offense, by a fine not less than \$25.00 or more than \$50.00 or by imprisonment for a term not to exceed five days, or both; for the second offense within a three year period, by a fine not less than \$50.00 nor more than \$150.00 or by imprisonment for a term not to exceed ten days, or both; for any additional offense within a three year period, by a fine not less than \$75.00 nor more than \$250.00 or by imprisonment for a term of not more than fifteen days, or both. Penalties for violations of the provisions of Article 7 of the New York State Agriculture and Markets Law are incorporated herein by reference.
- b) Seizure. In addition to any other penalty provided by this ordinance, any police officer of the Village of Cape Vincent, Code Enforcement Officer, or Dog Control Officer so designated by the Mayor has the power to seize, pick up, and confine in a suitable facility any dog committing any offense herein prohibited. If such dog is not redeemed from such impoundment by payment of the expenses thereof, including cost of seizure and boarding within five days from the date of notice to the owner, if he can be found, of its being seized, picked up and fined, it shall be considered abandoned and may be disposed of by the Village. It may be either sold, turned over to a humane society or other dog protective association, or destroyed.

Section 6. - Agriculture and Markets Law. The Village of Cape Vincent shall, by its duly appointed Dog Control Officers, or pursuant to any contract entered into for dog control services, enforce the provisions of Article 7 of the

Agriculture and Markets Law of the State of New York, excepting however, any and all provisions of said law related to the licensing or impoundment of dogs. All references of Article 7 shall mean Article 7 of the Agriculture and Markets Law of the State of New York, providing for the licensing, identification and control of dogs, and any rules, regulations adopted thereunder either have been or may be amended from time to time.

Article 4. - Repealer. This local law shall repeal and replace any and all prior resolutions, ordinances, or local laws of the Village of Cape Vincent relating to dog control including, but not limited to: certain amendment to Village of Cape Vincent dog ordinance, dated September 13, 1973.

Article 5. Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 1 of 1999 of the (County)(City)(Town)(Village) of Cape Vincent was duly passed by the Village Board on July 27 1999, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19 , and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 19 , in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19 , and was (approved)(not approved)(repassed after disapproval) by the on 19 . 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 19 , in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19 , and was (approved)(not approved)(repassed after disapproval) by the on 19 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 19 , in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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.)~~

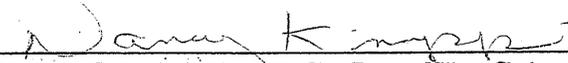
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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-----1-----, above.

  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

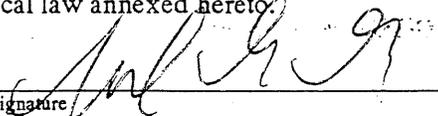
(Seal)

Date: August 9, 1999

(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 Jefferson

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

Village Attorney  
Title

County  
~~City~~ of Cape Vincent  
~~Town~~  
Village

Date: August 5, 1999