

Article 1
Statement of Authority

The Village Board of the Village of Cape Vincent pursuant to the authority granted under Article 7 of the Agriculture and Markets Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enacts as follows:

Article 2
Statement of Purpose and Findings

The Village Board of the Village of Cape Vincent hereby finds that in view of Town of Cape Vincent having its own Dog Control Officer and ending its relationship with Jefferson County Dog Control, certain changes are needed to the Village Dog Control Law in the Village of Cape Vincent. It is the purpose of this local law to make such changes.

Article 3
Enactment

The Village Board of the Village of Cape Vincent hereby amends the Village of Cape Vincent Dog Law as amended restated as follows:

Title: the title of this Law shall be Dog Control Law of the Village of Cape Vincent.

Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

- (a) "Dangerous dog", as also defined in Article 7 of the NYS Ag and Markets law, means any dog which without justification
- (i) attacks a person, companion animal and causes physical injury or death, or
- (ii) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or (iii) without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death.
- (b) "Dog" means male and female, licensed and unlicensed, members of the species canis familiaris.
- (c) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Village. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the

household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.

- (d) "Run at Large" means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.
- (e) "Town" means the Town of Cape Vincent.
- (f) "Village" means the Village of Cape Vincent.
- (g) "Village Clerk" means the Village of Cape Vincent Village Clerk.

Licensing and Regulation of Dogs: Effective January 1, 2011:

(a) All dogs in the Village of Cape Vincent unless otherwise exempted, must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license provided, however, that dogs of any age which are held at a shelter, pursuant to a contract or agreement with any County, City, Town or Village, or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed

(b) Any dog harbored within the Village of Cape Vincent owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

(c) All dog licenses shall be in accordance with the laws of the Town of Cape Vincent.

(d) Purebred License: The Town of Cape Vincent will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

(e) Service Dogs: The Town of Cape Vincent will require a license for any guide dog, service dog, hearing dog, detection dog, wolves, search dog, working dog or therapy dog but such dogs are exempt from a fee.

(f) The Town of Cape Vincent does not allow the licensing of dogs by a shelter or pound.

The shelter or pound must send the adoptive dog owners or persons redeeming dogs to the Town Clerk of the Village in which the dog will be harbored for licensing or to the Town Clerk of the Town of Cape Vincent. In such instances, shelter or pound may issue a ten (10) day permit with a copy to be sent to the Town during which time the Owner shall secure valid license.

(g) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must

accompany the forms. There will be NO refund of fees.

Restrictions: In addition to the above licensure requirements, it shall be unlawful for the owner of any dog in the Village to permit or allow such dog to:

- (a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (c) Chase, jump upon or at or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (d) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
- (e) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
- (f) Be “Dangerous” as the same is defined by this Chapter and Article 7 of the NYS Agriculture and Markets Law.

Procedure for Seizure of Dogs:

- (a) The Dog Control Officer, acting on behalf of Village or any peace officer shall seize:
 - 1) Any unlicensed dog whether on or off the owner’s premises;
 - 2) Any dog not wearing a tag, not identified, and which is not on the owner’s premises, and
 - 3) Any dog found in violation of paragraphs (a)-(f) of Section 4 of this Local Law.
 - 4) Any dog deemed by complaint or observation to be “Dangerous” as the same is defined by this chapter and Article 7 of the NYS Agriculture and Markets Law.

Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and it shall be seen that the order of the Town Justice of the Town of Cape Vincent in such case is carried out.

- (b) The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Dog Control Offices specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

Enforcement:

Enforcement of the provisions of this Chapter including licensure and offenses regarding violations of Sections 4 and 5 herein shall be delegated to and controlled by contract with the Dog Control Office. Offenses and appearance tickets regarding such provisions shall be made returnable in the local court.

Penalties:

- (a) Upon finding of a violation of Sections 4 a through e above, the penalties regarding violations of this Chapter shall be:
 - (1) For a first violation a fine of no less than \$50.00 nor more than \$100.00.
 - (2) For a second offense within a one year period, a fine of no less than \$100.00 nor more than \$150.00.
 - (3) For a third or subsequent offense within a one year period, a fine of no less than \$150.00 nor more than \$200.00.
- (b) Regarding “Dangerous dogs” as defined herein in violation of Section 4f, the standards, conditions, review criteria and penalties imposable by the Court shall be those stated at Article 7 Section 123 of the NYS Agriculture and Markets Law in said Chapter delineated “Dangerous Dogs.”

Article 4
Repealer

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Village of Cape Vincent, and they shall be upon the effectiveness of this Local Law, null and void.

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.