

(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~~

of Cambridge

~~Town~~

Village

Local Law No. 2 of the year 19 95.

A local law entitled "Dog Control Law of the Village of Cambridge"
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~

~~City~~

of Cambridge as follows:

~~Town~~

Village

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

LOCAL LAW NUMBER 2 OF 1995

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LOCAL LAW NO. 2 OF 1995

A LOCAL LAW RELATING TO ~~THE~~ CONTROL, CONFINEMENT
AND LEASHING OF DOGS

SECTION 1. Purpose

The Board of Trustees of the Village of Cambridge finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons and damage to property, and has created nuisances within the Village. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Village of Cambridge.

SECTION 2. Authority

This local law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York and Section 10 of the New York State Municipal Home Rule Law.

SECTION 3. Title

The title of this law shall be, "Dog Control Law of the Village of Cambridge."

SECTION 4. Definition and Terms

As used in this local law, the following words shall have the following respective meanings:

A. **Agriculture and Markets Law.** The Agriculture and Markets Law of the State of New York in effect as of the effective date of this local law, as amended by this local law, and as amended thereafter.

B. **Confined.** That such animal is securely confined or restrained and kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire, or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or any adjacent premises or any public street, way or place; or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

C. **Dog.** Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

D. **Dog Control Officer.** Any person authorized by the

Board of Trustees of the Village of Cambridge from time to time to enforce the provisions of this local law or the provisions of the Agriculture and Markets Law.

E. Owner. The party purchasing the dog's license, unless the dog is or has been lost, and such loss reported to the dog warden and 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 owns or has custody or control of, harbors, or is otherwise responsible for said dog at the time that it 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 and deemed to be an owner of such dog for the purpose of this local law. In the event that any dog found to be in violation of this local law shall be owned by a minor, the parent or guardian of said minor who lives in the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog and violation of this local law.

F. Recreational Areas. Recreational areas shall mean any real property owned by the Village of Cambridge which is used for recreational purposes by the public; including, but not limited to, parks or playgrounds.

G. Run at Large. Run at large shall mean to be on private lands without the knowledge, consent and approval of the owner of such lands.

H. School Premises. Any real property situate within the Village of Cambridge which is used for educational purposes or purposes incidental thereto.

I. Village. Shall designate the area within the corporate limits of the Village of Cambridge.

J. Harbor. To provide food or shelter to any dog.

SECTION 5. Restrictions

It shall be unlawful for any owner of any dog in the Village to permit or allow such dog to:

A) Run at large, unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person able to control it by command. For the purpose of this local law, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owners.

B. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably

and habitually disturb the comfort or repose of any person other than the owner of such dog.

C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of such dog.

D. Chase, jump upon or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

E. Habitually chase, run alongside of or bark at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harborer of said dog.

F. Be at large on any school premises or recreational areas, or the sidewalks adjacent thereto, at any time when twenty (20) or more persons are present unless said dog is on a leash.

G. Create a nuisance by digging on public property or by defecating, urinating or digging on private property other than property of the owner or harborer of said dog.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section 5 of this local law shall be presumptive evidence against the owner or harborer of such dog that he has failed to properly confine, leash or control his dog.

SECTION 6. Enforcement

This local law shall be enforced by any dog control officer or peace officer when acting pursuant to his special duties.

SECTION 7. Seizure, Impoundment, Redemption and Adoption

A. Any dog found in violation of the provisions of paragraphs (A) through (F), inclusive, of Section 5 of this local law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.

C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article.

D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (C) of this Section whether or not such owner chooses to redeem his or her dog.

E. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

F. No action shall be maintained against the Village, any dog control officer or peace officer when acting pursuant to his special duties, or any other agent or officer of the Village or person under contract to said Village to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law or the Agriculture and Markets Law.

SECTION 7A. Appearance Ticket

Any dog control officer, peace officer when acting pursuant to his special duties, or police officer in the employ of or under contract of the Village observing a violation of this local law in his presence may issue and serve an appearance ticket for such violation.

SECTION 8. Complaint

A. Any person who observes a dog in violation of this local law (including, without limitation, the dog control officer) may file a complaint under oath with a Village Justice specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog.

B. Upon receipt by the Village Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Village Justice decides that a violation of this local law has been committed, he may impose a penalty upon the violator as provided in Section 9 of this local law; and if he finds that further action is warranted, he may also order:

1. The dog to be declared a vicious or dangerous dog, to be restrained by collar and leash at all times whether on or off the owner's property.
2. The dog to be confined to the premises of the owner.
3. Such other remedy as may be warranted by the circumstances in such case.

C. A violation of any order issued by a Village Justice under the provisions of this Section 8 shall be an offense punishable, upon conviction thereof, as provided in Section 9 of this local law.

SECTION 9. Penalties

Upon conviction, a violation of this local law shall be deemed an offense and punishable by a fine not exceeding One Hundred Dollars (\$100.00) for the first offense, and Two Hundred and Fifty Dollars (\$250.00) for each offense thereafter; or imprisonment for not more than fifteen (15) days, or both.

SECTION 10. Enforcement by Village Attorney

The imposition of the penalties herein prescribed shall not preclude the Village Attorney from instituting an appropriate action or proceeding to obtain injunctive relief against any owner of a dog which violates the provisions of this law.

SECTION 11. Records of Dog Control Officer

It shall be the responsibility of the dog control officer to maintain accurate records and to complete and submit the following records to the Mayor and Board of Trustees of the Village of Cambridge on a monthly basis:

A. A listing of all complaints, including the name, address and phone numbers of each complainant and the type of complaint and the resolution of each complaint.

B. A separate log of each official action taken in each case.

C. A daily mileage log, broken down into gas, mileage and oil usage.

D. The number of dogs impounded.

E. The number of dogs redeemed by their owner.

F. A list of all expenditures incurred by the dog control officer.

G. The gross receipts collected by the dog control officer.

SECTION 12. Severability

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

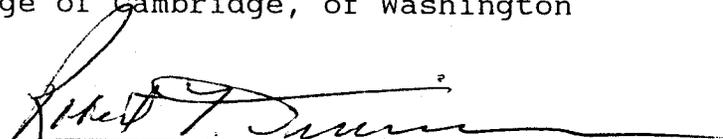
SECTION 13. Repealer

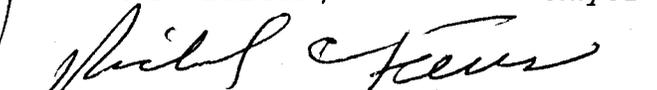
This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Village and they shall be, upon the effectiveness of this local law, null and void.

SECTION 14. Effective Date

This local law shall take effect immediately upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law of the State of New York.

BE IT ENACTED, this 6th day of February, 1995 by the Board of Trustees of the Village of Cambridge, of Washington County, New York.


Robert L. Durrin, Mayor


Richard C. Feus, Trustee

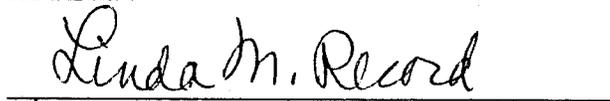

Robert E. Shay, Trustee


Gary L. Rainstrom, Trustee


Ronald Crepeau, Trustee

SEAL

ATTEST:


Linda M. Record, Village Clerk