

LOCAL LAW NO. 1 OF THE YEAR 2003

A LOCAL LAW ENTITLED, "DOG CONTROL LOCAL LAW OF THE TOWN OF CAMBRIA"

ADOPTED BY TOWN OF CAMBRIA TOWN BOARD DECEMBER 11, 2003

Be it enacted by the Town Board of the Town of Cambria as follows:

Section 1. Title.

The title of this local law shall be "Dog Control Local Law of the Town of Cambria"

Section 2. Authority.

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law.

Section 3. Purpose.

The Town of Cambria, New York finds that the running at large and other uncontrollable behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this local law is to protect the health, safety and well being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

Section 4. Definitions.

- (a) "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this local law shall be owned by a person under eighteen (18) years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).
- (b) "Harbor" means to provide food or shelter to any dog.
- (c) "At large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (1) accompanied by and under the immediate supervision and control of the owner or other responsible person; (2) a police work dog in use for police work; or (3) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.
- (d) "Habitual" for purposes of this local law shall mean a dog barking, whining or howling for repeated intervals of at least ten minutes with less than two minutes of interruption, which can be heard by any person, including a law enforcement officer or dog control officer, from a location outside of the owner's or caretaker's premises.

Section 5. Restrictions.

It shall be unlawful for any owner or any person harboring any dog in the Town of Cambria with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof to permit or allow such dog to:

- (a) Run at large, unless said dog is restrained by an adequate collar or leash or unless accompanied by its owner or responsible person able to control the animal;
- (b) Engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person;
- (c) Cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog;
- (d) Chase or otherwise harass any person in such a manner as to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or
- (e) Habitually chase, run alongside of or bark at motor vehicles or bicycles.

Section 6. Enforcement

This local law shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Cambria.

Section 7. Seizure, Impoundment, Redemption and Adoption

- (a) Any dog found in violation of provisions 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 property cared of, 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.

Section 8. Complaint.

Any person who observes a dog in violation of this local law may file a complaint under oath with a Justice of the Town of Cambria 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 such dog. Such complaint may serve as the basis for enforcing the provisions of this local law. Upon receipt by the Town Justice of any complaint filed against the conduct of a particular dog, the Town Justice may summon the alleged owner or other person harboring such dog to appear in person before him.

Section 9. Penalties.

Any person convicted of a violation of this local law shall be liable to a civil penalty not exceeding \$50.00 for a first violation, not exceeding \$75.00 for a second violation and not exceeding \$125.00 for each subsequent violation.

Section 10. Separability.

Each separation 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 11. Repealer.

This local law shall supercede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Cambria and they shall be, upon the effective date of this local law, null and void.

Section 12. Effective Date.

This local law shall take effect in accordance with the provisions of the law.