

Oct. 17, 1983

TOWN OF CUYLER

AN ORDINANCE

The Town of Cuyler, acting through its duly constituted Town Board, pursuant to the authority conferred on it by the Laws of the State of New York, ORDAINS as follows:

SECTION 1: This Ordinance is adopted pursuant to Article 7 of the Agriculture and Markets Law of the State of New York and the Town Law of the State of New York, for the promotion of the public welfare and health and general welfare of the community, including the protection and preservation of the property of the Town and its inhabitants and of peace and good order in the controlling and regulating of muzzled and unmuzzled dogs in certain areas in the Town of Cuyler, and to provide for the enforcement thereof.

SECTION 2: Unless otherwise specified herein, the provisions of this Ordinance shall apply throughout the Town of Cuyler.

SECTION 3: It shall be unlawful for any owner of, or any person harboring, any dog in the area in the Town of Cuyler to which this Ordinance applies to permit or allow such muzzled or unmuzzled dog:

(a) RUNNING AT LARGE: Run at large unless said dog is restrained by an adequate collar and leash not to exceed eight (8) feet in length. The provisions of this subsection shall apply to those areas of the Town of Cuyler which lie within the bounded area designated the sewer improvement area described in the Town of Cuyler Sewer Operation Regulations and Rate Schedule Ordinance adopted in July of 1977 and in any amendments thereto.

(b) HOWLING, BARKING, ANNOYING PERSONS: Engage in habitual howling or barking or to conduct itself in such a manner so as to habitually annoy any person other than the owner or owners harboring such dog.

(c) DAMAGING PROPERTY, COMMITTING NUISANCE: Cause damage or destruction to property, to commit a nuisance upon the premises of a person other than the owner or persons harboring such dog.

(d) CHASING, HARASSING PERSONS: Chase or otherwise harass any person in such manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

(e) CHASING, BARKING AT VEHICLES: Habitually chase or bark at motor vehicles.

SECTION 4: Any dog found to be running at large in violation of Section 118 of the Agriculture and Markets Law shall be seized and such dog shall be properly fed and cared for until disposed of as provided by said Section 118.

SECTION 5: Any dog found running at large in violation of Section 3 of this Ordinance may be seized by any peace officer and confined in a pound or other similar facilities provided for by the Town of Cuyler until disposition thereof be made as herein provided.

SECTION 6: NOTICE OF IMPOUNDING OR SEIZED DOG: The Dog Control Officer shall promptly notify the record owner of any indetified dog seized in the Town. Such notice shall be given personally or by certified mail, return receipt requested, stating the fact of the seizure and the procedure for redemption.

SECTION 7: The owner of a dog seized and impounded as provided in Section 5 may redeem the dog within seven (7) days by paying to the Town Clerk the following sum:

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| (a) First Impoundment | Ten Dollars (\$10.00) |
| (b) Second Impoundment | Twenty Dollars (\$20.00) plus
Three Dollars (\$3.00) per day
for boarding. |
| (c) Third Impoundment | Thirty Dollars (\$30.00) plus
Three Dollars (\$3.00) per day
for boarding. |

SECTION 8: If not redeemed as provided in Section 7, the owner of a dog seized and impounded as provided in Section 5 shall forfeit all title to the dog and the dog shall be sold or destroyed. In the case of sale, the purchaser shall pay the purchase price to the Town Clerk.

SECTION 9: No action shall be maintained to recover the possession or value of a dog, or for damages for injury or for compensation for destruction of a dog destroyed pursuant to the provisions of this Ordinance.

SECTION 10: Any person destroying a dog under the provisions of this Ordinance shall immediately dispose of the carcass and make a written report of such disposal to the Town Clerk. No person failing to make such report shall be entitled for compensation for destroying the dog. The Clerk shall make and preserve a record of such disposition.

SECTION 11: A Dog Control Officer, to be designated by the Town Board as provided by Section 114 of the Agriculture and Markets Law, shall enforce the provisions of this Ordinance and shall also investigate and report to a Town Justice of the Town of Cuyler any dangerous dogs as described in Section 121 of the Agriculture and Markets Law, and to see that the order or orders of the Town Justice in such case are carried out.

SECTION 12: Any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner, may file a signed complaint, under oath, with the Town Justice or the Town of Cuyler, specifying the objectionable conduct of the dog, the date thereof, the damaged caused, a description of the dog and name and residence, if known, of the owner or other persons harboring said dog.

SECTION 13: Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other persons harboring said dog to appear in person before him; if the summons is disregarded, the Town Justice may permit the filing of an information and issue a warrant for the arrest of such person.

SECTION 14: A violation of this Ordinance shall be deemed an offense against the Ordinance and any person convicted of violation after investigation and hearing shall be liable to a fine not to exceed Fifteen Dollars (\$15.00), for each first violation which fine shall be in addition to any other penalty authorized by law together with such costs as may be incurred by the Town in connection therewith; to a fine of not less than Fifteen Dollars (\$15.00), nor more than Twenty-five Dollars (\$25.00), for a second violation occurring within a twenty-four (24) month period from the date of the first violation; to a fine of not less than Twenty-five dollars (\$25.00) nor more than Fifty Dollars (\$50.00) for a third or subsequent violation occurring within a twenty-four (24) month period from the date of the first violation.

SECTION 15: This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the Town Board of the Town of Cuyler, County of Cortland, State of New York on the 6th day of July and as amended October 17, 1983.