

A Local Law: Relating to the control of dogs in the Village of Cassadaga

Be it enacted by the: Board of Trustees of the Village of: Cassadaga as Follows:

**Section 1. PURPOSE AND INTENT.**

The Village Board of the Village of Cassadaga has determined that uncontrolled behavior of licensed and unlicensed dogs in the Village may result in physical harm to persons and damage to property, as well as creating nuisances and annoyances within the Village. The purpose of this Local Law is to protect the health, safety and well-being of the Village residents and their property, as well as other persons attending within the Village, by imposing restrictions upon the keeping and running at large of dogs within the Village.

**Section 2. DEFINITION OF TERMS.**

As used in this Local Law, the following words shall have the following meanings:

(a) **DOG CONTROL OFFICER:** Any individual appointed by the Village of Cassadaga to assist in the enforcement of this Local Law and Article 7 of the New York Agriculture and Markets Law, or any authorized officer, agent or employee of an incorporated Humane Society or similar incorporated animal protection association under contract with the Village of Cassadaga to assist in the enforcement of this Local Law and Article 7 of the Agriculture and Markets Law of the State of New York.

(b) **OWNER:** Any person who owns, keeps, harbors, or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

(c) **AT LARGE:** This term shall mean off the premises of the owner.

**Section 3. REGULATIONS AND RESTRICTIONS.**

(a) **Running at Large:** No dog shall be permitted to be at large or allowed to run at large within the Village of Cassadaga, excepting that a dog duly licensed, as required by Article 7 of the Agriculture and Markets Law of the State of New York, may be upon a Public way or public recreation area provided that such dog is leashed by a leash no exceeding eight (8) feet in length, and is then there under the custody and control of the owner or other competent person accompanying the dog.

(b) **Damage or injury to Persons or property:** No person who owns or has control of a dog shall permit or suffer such dog to damage or destroy property of any kind belonging to another person, to attack, chase, bite, threaten or injure any person peacefully conducting himself or herself in any place where such person may lawfully be, or to attack, chase, injure, or kill or any domestic animal of another person when such animal is in any place where it may lawfully be. For the purposes of this law, when any dog is at large, contrary to the provisions herein, and commits any such acts, the owner of the dog shall be deemed to have permitted the dog to have committed such acts.

(c) **Noise:** No person shall keep, or permit to be kept, on the premises of the owner or person having control of such dog, any dog which by its continual barking, howling, whining, or other frequent or long-continued noise shall unreasonably disturb the comfort or repose of any other person.

(d) **Nuisances:** No person who owns or has control of a dog shall permit or suffer such dog to create a nuisance by defecating, urinating, digging, or depositing waste, on public property or on private property, without the consent of the owner of the property.

**Section 4. DANGEROUS DOGS.**

The owner of any dog which has attacked or injured another person or animal shall not thereafter permit such dog to be at any place other than securely confined on the premises of the owner, unless such dog is securely fitted with a properly-fitting muzzle of a type which shall no permit such dog to bite or threaten another person or animal.

**Section 5. SEIZURE, REDEMPTION AND DISPOSITION OF DOGS.**

The dog control officer or any police officer may seize any dog found to be in violation of this Local Law, or in violation of the provisions of Article 7 of the Agriculture and Markets Law of the state of New York, and such dog shall be impounded, redeemed, euthanized, and/or sold as provided in section 118 of the Agriculture and Markets Law of the state of New York, and the owner of such dog shall pay all the costs of seizure, impoundment, and euthanasia as provided therein.

**Section 6. PENALTIES FOR OFFENSES.**

Any violation of this Local Law shall be deemed an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00), or by confinement in jail no exceeding fifteen (15 days, or by both such fine and imprisonment.

**Section 7. ENFORCEMENT.**

The dog control officer is hereby charged which the duty of enforcing this Local Law, and shall be authorized to issue such process as is necessary to bring violators before the Court.

**Section 8. EFFECTIVE DATE.**

This Local Law shall take effect upon its filing in the office of the Secretary of State.