

(Please Use this Form for Filing your 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 DUNKIRK
~~Town~~
~~Village~~

Local Law No. 2 of the year 19 88

A local law REGULATING ANIMALS IN THE TOWN OF DUNKIRK, NEW YORK
(Insert title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~
~~City~~ of DUNKIRK as follows:
~~Town~~
~~Village~~

SECTION 1 - DEFINITIONS

- 1.1 DOMESTIC ANIMALS - Domestic Animals shall mean pets and farm animals including but not limited to domesticated cats, dogs, sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, chickens.
- 1.2 EXOTIC ANIMALS - Exotic animals shall mean any mammal, bird or reptile that has not been domesticated or must be caged or restrained or which is classified by the State of New York, Department of Environmental Conservation as "dangerous wildlife."
- 1.3 OWNER - The term Owner shall mean any person owning, keeping, harboring, feeding, boarding or having the care, custody or control of any Domestic Animal or Exotic Animal on property (premises) owned or rented by him and when such owner shall be a child under the age of Sixteen years, the head of the household in which such child resides shall be deemed to be the owner of such Domestic Animal or Exotic Animal for all purposes of this chapter.
- 1.4 AT LARGE - The term "At Large" shall mean off the premises of the owner.

SECTION 2 - REGULATIONS AND RESTRICTIONS GENERALLY

2.1 No person shall keep, suffer 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 or whining or other frequent or long-continued noise, shall unreasonably disturb the comfort or repose of any other person.

2.2 No person who owns or has control of a domestic or exotic animal shall permit or suffer such animal to damage or destroy property of any kind of another person, to attack or bite any person peaceably conducting himself in any place where such person may lawfully be, or to attack, chase, injure or kill any animal of another person, when such animal is in any place where it may lawfully be. For the purposes hereof, when any animal is at large contrary to the provisions of this chapter and commits any of such acts, the owner or person in control shall be deemed to have permitted or suffered the animal to have committed such acts.

2.3 No owner shall keep or suffer to be kept a dog in the habit of continually chasing or barking at automobiles, bicycles or moving vehicles.

2.4 No owner shall keep or suffer to be kept any Animal which commits a nuisance in a public highway, public building, public park or on any private property except with the consent of the owner of the property thereof.

2.5 No owner shall keep or suffer to be kept any Animal which continually runs at large with a pack of other similar animals or chases other animals or children.

2.6 No owner shall permit a female dog which is in heat, to run at large nor shall he permit conditions to exist in which male dogs are attracted to the premises of the female dog in heat, where such attraction causes a nuisance to adjoining property owners.

2.7 No person who owns an animal shall permit the premises, structure or enclosure in which such animal is kept to be unclean or unsanitary.

SECTION 3 - SEIZURE, REDEMPTION AND DISPOSITION OF ANIMALS

The animal control officer, or any police officer, shall seize any animal found to be in violation of this chapter or in violation of the provisions of Article 7 of the Agriculture and Markets Law of this state and such animal shall be impounded, redeemed, euthanized, or sold as provided in Section 118 of the Agriculture and Markets Law of this state, and the owner of such animal shall pay the costs of seizure and impoundment as provided therein.

SECTION 4 - CONFINEMENT OF DOG ATTACKING PERSON OR ANIMAL;

DETERMINATION OF RABIES; DISPOSITION

The owner of any animal which has attacked or injured another person or animal contrary to the provisions of this chapter, shall confine such animal for such length of time as may be directed by the animal control officer for the purpose of determining whether such animal is affected by rabies, and if so affected, such animal shall be destroyed under the direction of the animal control officer.

SECTION 5 - CONFINEMENT OF DANGEROUS ANIMAL TO OWNER'S PREMISES

The owner of any animal which has attacked or injured another person or animal as provided herein shall not thereafter permit such animal to be at any place other than on the premises of the owner unless such animal is securely fitted with a properly fitting muzzle of a type which shall not permit such animal to bite another person or animal.

SECTION 6 - PENALTIES FOR VIOLATION OF CHAPTER

6.1 Any person who observes a Domestic or Exotic Animal (or animals), or the owners thereof, in violation of any of the provisions of this Local Law, may file a written complaint in the form prescribed by the Penal Law of the State of New York with a Local Criminal Justice having appropriate jurisdiction setting forth the conduct of such Domestic or Exotic Animal (or animals), or that of the

owner, including the date thereof, the damage caused, a description of such animal and the name and residence, if known, of the owner of the said animal.

6.2 Any violation of this chapter shall be deemed an offense punishable by a fine not exceeding fifty (\$50.00) dollars or confinement in jail not exceeding five (5) days or by both such fine and imprisonment. Each day a violation occurs as the case may be shall constitute a separate violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the Agriculture and Markets Law of the State of New York.

SECTION 7 - VALIDITY

The invalidity of any Section, paragraph, sentence, clause, phrase or provision of this Local Law shall not invalidate any other section, paragraph, sentence, clause, phrase or provision or part thereof, and the remainder of the Local Law shall not be affected and shall remain in force.

SECTION 8 - PREVIOUS ORDINANCE REVOKED

The Ordinance of the Town of Dunkirk entitled "Ordinance of the Town of Dunkirk, New York, Regulating Owners of Domestic Animals in the Town of Dunkirk, County of Chautauqua and State of New York," duly adopted by the Town Board of the Town of Dunkirk on

March 8, 1978 is hereby revoked.

SECTION 9 - EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing of a certified copy thereof in the office of the Town Clerk and with the Office of the New York Secretary of State.

The Town Clerk of the Town of Dunkirk is hereby authorized to publish notification of the enactment of this Local Law in the official newspaper and that the said Local Law be filed with the Secretary of State.

Upon roll call vote, the following votes were

cast:

Supervisor Robert H. Altwies	voting aye
Councilwoman Patricia F. Johnson	voting aye
Councilman Wilfred F. Apps	voting aye
Councilman David T. Rusch	voting aye
Councilman Richard E. Mourer	voting aye

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 88.
~~County~~ of ~~Dunkirk~~ was duly passed by the TOWN BOARD
of the Town (Name of Legislative Body)
~~Village~~
on July 12, 19 88 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer *
repassed after disapproval
and was deemed duly adopted on 19 , in accordance with the applicable
provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer *
repassed after disapproval
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
thereon at the special election held on 19 , in accordance with the appli-
cable provisions of law.
general
annual

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer *
repassed after disapproval
on 19 Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
19 , in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

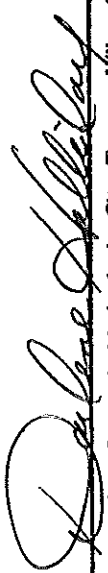
I hereby certify that the local law annexed hereto, designated as Local Law No. of 19 of the County of State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Date:

7/14/88


Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF CHAUTAQUA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


.....
Albert W. Foley
Town Attorney - Town of Dunkirk
.....
Signature
Title

Date:

14 July 1988

County

City of

Dunkirk

Town

Village