

EFFECTIVE  
12-23-95

The VILLAGE OF SHERMAN  
Sherman, N. Y. 14781

Page 1  
SAVE

JAN - 6

DOG CONTROL LAW

Section 1. PURPOSE AND INTENT. The purpose of this local law is to preserve the public peace and good order in the Village of Sherman and to contribute to the public welfare, health and safety of their persons and property of the inhabitants by declaring and enforcing certain regulations and restrictions on the activities of dogs within the Village of Sherman.

Section 2. TITLE. The title of this law shall be "Dog Control Law" of the Village of Sherman.

Section 3. DEFINITION OF TERMS. As used in this local law, the following words shall have the following meanings:

(a) DOG: Dog means any member of the species *Canis Familiaris*.

(b) DOG CONTROL OFFICER: Dog Control Officer means a person or persons appointed by the Village Board to enforce the provisions of this local law, the Agriculture and Markets Law and the rules and regulations promulgated pursuant thereto. For the purpose of this local law, a dog control officer is deemed to be a peace officer.

(c) AGRICULTURE AND MARKETS LAWS: Means the Agriculture and Markets Law of the State of New York.

(d) OWNER: Means 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.

(e) PERSON: Means any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

(f) CLERK: Is the Village Clerk of the Village of Sherman.

(g) AT LARGE: Means an unleashed dog off the premises of the owner.

(h) LEASHED: The term "Leashed" or "Restrained by Leash" shall mean that the dog is equipped with a collar or harness to which is attached a leash; both collar or harness and the leash to be of sufficient strength to restrain the dog, and which leash shall be held by a person having the ability to control and restrain the dog by means of the collar or harness and leash. A harness worn by a guide dog for the blind or hearing impaired shall be considered a suitable leash hereunder.

Section 4. REGULATIONS AND RESTRICTIONS.

A. All dogs in the Village of Sherman are hereby required to be restrained by a leash when off the owner's premises, whether such dogs are or are not tagged or licensed. No person who keeps, owns, harbors or has the care or control of any dog in the Village

of Sherman shall permit such dog to be at large or unleashed in said village except as permitted by local law.

B. No person may suffer, allow or permit to run at large within the Village of Sherman any vicious dog or dogs of dangerous disposition, or dogs which by its chasing or barking at persons, automobiles, bicycles, or moving vehicles, or in running at large, shall cause unreasonable disturbance in a neighborhood, and imperil the safety or disturb the comfort and repose of any person.

C. No dog, whether leashed or unleashed, shall be permitted in any restaurant, grocery or commercial establishment which sells food for human consumption, or in any cemetery, except for a guide dog for the blind or hearing impaired which may enter any such premises if leading or accompanying a blind or hearing impaired person therein.

D. No person shall keep or suffer to be kept, a dog which has attacked any person peacefully conducting himself any place where such person may lawfully be, or which has attacked, chased or worried or killed any domestic animal, as defined in Section 107 of the Agriculture and Markets Law of the State of New York, or any cat or other dog, while such animal is in any place where it may lawfully be.

E. No person who owns a dog shall permit or suffer such dog to damage or destroy property of any kind or to deposit waste on the private property of other persons.

F. No person shall keep, suffer or permit to be kept on the premises occupied by such person, any dog which by any barking, howling, or whining or other frequent or long continued noises shall unreasonably disturb the comfort or repose of other persons.

G. No person who owns a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.

H. No person shall permit a female dog owned by him to be off such owners premises, whether such dog is leashed or unleashed, while such female dog is in heat.

Section 5. POTENTIALLY RABID DOGS. A dog control officer or any peace officer is hereby authorized to seize or direct a confinement of any dog which is reported to have attacked or injured a human being. Such dog shall be confined for such length of time as may be required for the purpose of determining whether such dog is affected by rabies and, if so affected, it may be destroyed.

The owner of such dog shall, upon demand, deliver the possession of such dog to the dog control officer or any peace officer authorized to seize same and shall, upon demand, pay to the Village the cost of confinement and treatment of the dog.

Section. 6. SEIZURE OF DOGS.

a) The dog control officer or any peace officer shall seize any dog which is found at large within the Village of Sherman in violation of this local law, as well as any dog or dogs otherwise required to be seized under and by virtue of Section 118 of the Agriculture and Markets Law.

ec 121  
ec 125

JAN 6 1999

JAN - 6 1999

b) Any peace officer or dog control officer of the Village of Sherman shall seize any dog found at large not wearing the identification tag required by Article 7 of the Agriculture and Markets Law of the State of New York.

Section 7. After any such seizure or impounding, the record owner of such dog so seized and impounded, shall be notified personally or by certified mail, (return receipt requested), or if the address is unknown, by affixing a written notice to the owners last known residence, of the facts of seizure and the procedure of redemption. If notification is personally given, such dog shall be held for a period of five (5) days after day of notice, during which period the dog may be redeemed by the owner. If such notification is by mail, such dog shall be held for a period of nine (9) days from the date of mailing, during which period the dog may be redeemed by the owner. During said period the owner of such dog may recover the same during the business hours of the pound or place of keeping the dog by producing a license for such dog and by paying the sum of \$10.00 for the first seizure and impounding, \$25.00 for repeated seizures and impoundings, and the normal rate of charge for each day or part thereof for the keeping, feeding and caring for such dog while in custody. Said sum is to be paid to the Village Clerk who will issue a receipt.

#### Section 8. COMPLAINT.

a) Any person who observes a dog in violation of this local law or who observes a dog causing damage or destruction to the property of a person other than its owner, may file a complaint under oath with a Town Justice, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

b) Upon receipt by the Town Justice of a complaint, the Town Justice shall forward the complaint to the dog control officer or peace officer for enforcement. The dog control officer or peace officer shall proceed pursuant to Section 114 of the Agriculture and Markets Law.

c) The dog control officer and/or any peace officer or police officer authorized by the Village to enforce this local law shall have the authority to issue an appearance ticket pursuant to Section 150.20 of the Criminal Procedure Law, or in lieu thereof, a uniform appearance ticket, or in lieu thereof, a uniform appearance ticket and simplified information to serve a summons and to serve and execute any other order or process in the execution of the provisions of this article.

d) A person charged with a violation of any provision of this local law may proceed pursuant to Section 119.3 of the Agriculture and Markets Law.

Section 9. TRIAL PROCEDURE. In the event that the owner of the dog desires a trial, he shall post the bail of \$50.00, pay for the care of the dog while impounded and demand a trial before the Town Justice. The fact that a dog is at large within the Village of Sherman shall be presumptive evidence that the owner permitted said dog to run at large in violation of this local law.

JAN - 6 1990

Section 10. FORFEITURE OF TITLE. If an impounded dog is not redeemed or trial demanded within the time heretofore set forth herein, the owner shall forfeit title to the dog and it may thereafter be put up for adoption or destroyed. If said dog is put up for adoption, the Village of Sherman will have the right to require that said dog be spayed or neutered at the adoptive owner's expense.

Section 11. DOGS DESTROYED. In the event that it becomes necessary to destroy a dog, the dog control officer or other peace officer shall arrange for the destruction of the dog and make a report in writing of such destruction to the Village Clerk. The Village Clerk shall keep a record of the destruction for one (1) year.

Section 12. TOWN JUSTICE TO HAVE JURISDICTION. The Town Justice of the Town of Sherman shall have the jurisdiction to hear all complaints under this local law, and of all actions and proceedings hereunder, and of all prosecutions for the violations of this local law.

Section 13. FINES AND PENALTIES. Each violation of this local law shall be punishable as follows:

a) By a fine of not more than \$25.00 for the first offense;

b) By a fine of not more than \$100.00 or imprisonment for not more than fifteen (15) days, or both for each subsequent offense committed within five (5) years of a conviction of a first offense.

Section 14. SAVINGS CLAUSE. The invalidity of any such sentence, clause, paragraph, or provision of this local law shall not invalidate any other sentence, clause, paragraph or provision or part thereof.

Section 15. EFFECTIVE DATE OF LOCAL LAW. This local law is to take effect immediately.

12/90

Brosius, in which they thank the village employees for their help with the Yorker buildings, this year. Special thanks was given to Albert, who, they say has always been willing to help.

With no interested persons appearing for the Public Hearing, Mayor Cornelio stated that the Hearing was closed at 7:34 P.M.

Motion was offered by Trustee Wolfe, seconded by Gulczynski to bring the proposed Local Law off the table. CARRIED.

It was duly moved by Trustee Gulczynski, seconded by Wolfe to adopt the proposed Local Law, to cover a Leash Law in the Village of Sherman. This would be known as Local Law 2-1995.

The vote	Harold H. Wolfe	Aye
	Sherry L. Gulczynski	Aye
	Victor N. Cornelio	Aye

Trustee Russell did not arrive at the meeting until 7:55 P.M., having had a prior committment, so was unable to vote.

MOTION WAS CARRIED.

A letter was read from Larry Fardink, Fire Chief, in which he informed Board members that the radio in the Village fire truck will be no longer servicable after January 1, 1996. He further stated that he had obtained prices on radios and quoted same, along with his recommendation. It was learned, following discussion, that according to Rusty Weise, that the radio in the Village fire truck is working at the present time, the above information merely states that the radio cannot be repaired if something goes wrong with it. Upon further discussion the following motion was offered.

Motion was offered by Trustee Russell, seconded by Wolfe to continue using the radio presently in the Village truck until it is no good, or until time for the 1996-97 budget, at which time we could include the needed monies. CARRIED.

A motion was made by Trustee Gulczynski, seconded by Wolfe to have Albert Robson cover the old reservoir with plastic, as was discussed at the November meeting. It was noted that Mr. Robson did not want to handle this without a formal resolution from the Board. CARRIED.

The letter from Lee Harkness, which was brought up at the November meeting, was briefly discussed. This covers CETA