

DRAFT

VILLAGE OF BUCHANAN AMENDED LOCAL LAW NO. 3 OF THE YEAR 2016

A LOCAL LAW AMENDING CHAPTER 53 ENTITLED ANIMALS TO THE CODE OF THE VILLAGE OF BUCHANAN

Section One: The following sections of the Village Code are amended to read as follows:

Article II:

§53-11 (c) Section 53-11 (c) of Article II, Chapter 53, entitled “Animals” of the Code of the Village of Buchanan is hereby amended to read as follows:

C.

Any person thereafter convicted of a violation of this article shall be punished for a first offense by a fine not to exceed \$100. a second offense by a fine note to exceed \$200.; for a third offense by a fine not to exceed \$300.

§53-13 (B). Section 53-13 (B) of Article II, Chapter 53, entitled “Animals” of the Code of the Village of Buchanan is hereby deleted in its entirety.

Section Two: The following Article is hereby added to Chapter 53, entitled “Animals” to the Code of the Village of Buchanan to read as follows:

Article III. Cats and Domestic Animals

§ 53-14. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CAT

Any cat of any sex and of any age, unless otherwise indicated herein.

DOMESTIC ANIMAL

That which is domestic is related to household uses. A domestic animal is one that is sufficiently tame to live with a family, such as a dog or cat, or one that can be used to contribute to a family's support, such as a cow, chicken, or horse.

OWNER

Any one or more persons, corporations, partnerships or associations, or any entity capable of being sued or prosecuted, who or which owns any animal or has custody of a minor owning any animal.

VILLAGE

The Village of Buchanan.

§ 53-15. Responsibility of owner.

It shall be the duty and responsibility of every owner of any cat or other domestic animal to exercise and maintain such care and control over it that it does not become a nuisance, as set forth in this article, within the confines of the Village.

§ 53-16. Nuisances.

A cat or other domestic animal shall become a nuisance whenever it shall engage in or commit any of the following actions within the confines of the Village:

- A. Injure or threaten injury to persons or other domestic animals or birds.
- B. Injure property, including lawns, flowers, shrubs, trees, and furniture.
- C. Upset or otherwise interfere with garbage receptacles.
- D. Be found in any commercial establishment without the consent or permission of the owner thereof.
- E. Be kept or placed by its owner under cruel, unsanitary or otherwise inhumane conditions, or be abandoned by its owner.
- F. Defecate, urinate, dig or otherwise damage property other than the property of the owner.
- G. Engage in loud or habitual crying or whining or conduct itself in such a manner as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such cat or other domestic animal.
- H. Cats or other domestic animals together in a pack or in any way forming a pack of cats or other domestic animals. (For the purpose of this article, the word “pack” is hereby defined to mean three or more such cats or domestic animals.)

§ 53-17. Complaints; appearance tickets; penalties for offenses.

- A. Any person who observes or has knowledge of a cat or other domestic animal violating any provision of this article may file a signed complaint, under oath, with the Building Inspector of the Village specifying the objectionable conduct of the cat or other domestic animal and the name and address, if known, of the owner or other person harboring said animal.
- B. Upon receipt by the Building Inspector or Village Police of any such complaint, or in the event that any cat or other domestic animal is found by the Building Inspector to be in violation of any provision of this article, the Building Inspector shall make a statement to the Village Police with respect to the same, and the Police Department shall issue and deliver to the owner of said cat or domestic animal an appearance ticket, detailing the violations and instructing the owner to appear before the Village Court or to answer such appearance ticket by registered or certified mail, return receipt requested, within five days of the date of such violation. If said appearance ticket is disregarded by such person, the Village Police, Building Inspector or complainant may file an information with said Court, which Court may then issue a warrant for the arrest of such person.
- C. Any person thereafter convicted of a violation of this article shall be punished for a first time offense by a fine not to exceed \$100; for a second offense by a fine not to exceed \$200; for a third offense by a fine not to exceed \$300.

§ 53-18. Redemption of seized cats and other domestic animals.

Any cat or other domestic animal found in violation of this article may be seized by the Building Inspector of the Village of Buchanan or any such agency as he or she shall call such as the Society of the Prevention of Cruelty to Animals (SPCA), and the owner, in order to obtain possession of the cat or other domestic animal, must pay a fine and per diem expenses incurred in the keeping of said cat or other domestic animal. The expense, if seized by the Building Inspector, shall be in such amounts as follows:

A.

On the first pickup of any cat or other domestic animal, a fine of \$100 per animal for the release of said cat or other domestic animal, said fine to be paid to the Village Clerk of the Village of Buchanan or, if released at the SPCA, a fine of \$100 plus per diem expenses shall be paid to the SPCA, which shall reimburse the Village of Buchanan on a monthly basis for the fines so collected. The per diem expenses shall be retained by the SPCA.

B.

On the second pickup of the cat or other domestic animal a fine of \$200 per animal for the release of said cat or other domestic animal, said fine to be paid to the Village Clerk of the Village of Buchanan; or, if released at the SPCA, a fine of \$200 shall be paid, plus existing per

diem expenses. In turn, the SPCA shall reimburse the Village of Buchanan on a monthly basis for the fines so collected, but shall retain the per diem expenses.

Section Three: This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.