



STATE OF NEW YORK
DEPARTMENT OF STATE

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

July 26, 2011

RECEIVED
AUG 01 REC'D
VILLAGE OF NUNDA

Lori J Gray
Clerk Treasurer
PO Box 537
Nunda NY 14517

RE: Village of Nunda, Local Law 1, 2, 3 & 4 2011, filed on July 26, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mail piece or on the front if space permits.		<p>A. Signature X JUL 25 2011 <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>) <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>E. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>F. Restricted Delivery? (extra fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to: <i>NYs Dept of State Division of Operations, State Records and Uniform Commercial Code</i> <i>One Commerce Plaza 69 Washington Avenue Albany, New York 12231</i>			
2. Article Number (Transfer from service label) 7005 0390 0003 6620 2838	1. (518) 474-0050 Y.US		

Local Law Filing

(Use this form to file a 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 Town Village

(Select one.)

of Nunda

Local Law No. 3 of the year 2011

A local law establishing an animal ordinance with respect to cats to protect the public health and safety

(Insert Title)

of citizens

Be it enacted by the Village Board of Trustees of the

(Name of Legislative Body)

County City Town Village

(Select one.)

of Nunda

as follows:

See Next Page

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 3 of 2011 of the ~~(County)(City)(Town)(Village)~~ of Nunda Village Board of Trustees (Name of Legislative Body) on July 11, 2011, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 20[] , 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

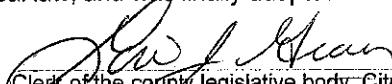
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____, having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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 1 _____ above.


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

(Seal)

Date: July 11, 2011

(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 Livingston

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.


Signature
Village Attorney
Title

County
City of Nunda
Town
Village

Date: 7/18/11

Section 1. Title

This law shall be known as the “Cat Control Ordinance of the Village of Nunda”.

Section 2. Purpose

The Village of Nunda has undertaken to establish this animal ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the Village. Animal ownership is encouraged and welcomed within this Village, but strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and also those of their animals.

Section 3. Definitions

As used in this law the following terms mean:

Animal – For the purpose of this law, animal shall refer to both male and female cats.

Animal establishment – Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

At large – an animal shall be deemed at large when off the property of the owner and not under restraint.

Kennel – An establishment kept for the purposes of breeding, selling, or boarding animals or engaged in training animals.

Nuisance – An animal shall be considered a nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public property in any park, public building, street, parking lot, alley or sidewalk unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, “dangerous”, or offensive conditions; causes a disturbance by excessive noise-making; or molests, attacks, or interferes with persons or other domestic animals on public property or private property other than the owner's.

Owner – A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person or who feeds an animal whether or not the food is intended for that animal, except that this term shall not include “animal establishments” or veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

Person – Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet shop – An establishment engaged in the business of buying and selling, at retail, dogs or animals or other animals for profit-making purposes.

Restraint – An animal shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

“Dangerous” animal – An animal that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat or serious injury or death to one or more persons or domestic animals.

Section 4. Owner responsibility

- (a) All animals shall be kept under restraint.
- (b) Every “dangerous” animal shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (c) No animal shall be allowed to cause a nuisance. The owner of an animal shall be held responsible for every behavior of such animal under the provisions of this law including the payment for repair of damages caused by an unrestrained animal.

Section 5. Jurisdiction

The Village Justice of the Village of Nunda shall have jurisdiction over all actions and proceedings under this law.

Section 6. Enforcement

This law shall be enforced by any peace officer when acting pursuant to his/her special duties, or law enforcement officer.

Section 7. Issuance of Appearance Tickets; Filing of Complaints

- (a) Any peace officer acting pursuant to his/her special duties, or law enforcement officer observing a violation of this law in his/her presence shall issue an appearance ticket for such violation.
- (b) Any person who observes a violation of this law in his/her presence in the village may file a signed complaint, under oath, with a Village Justice of the Village of Nunda, specifying the objectionable conduct of the cat, the date thereof, the damage caused, a

description of the cat and the name and residence, if known, of the owner or other person harboring such cat.

(c) Upon receipt by the Village Justice of the Village of Nunda of any complaint, in writing, against the conduct of any particular cat in the village, the Village Justice must summon the alleged owner or other person harboring such cat to appear in person before him/her. If the summons is disregarded, the Village Justice must permit the filing of an information and issue a warrant for the arrest of such person.

Section 8. Penalties for Offense

A violation of this law shall be deemed an offense punishable by a fine not to exceed \$50.00. Each separate offense shall constitute a separate additional violation.

Section 9. Repeals (conflicting ordinances and laws)

All other ordinances or laws of the Village of Nunda that are in conflict with this law are hereby repealed to the extent of such conflict.

Section 10. Severability

If any part of this law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 11. Applicability

This law shall be in full force and effect upon the expiration of twenty (20) days after its passage and publication.