

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 Buchanan

FILED
STATE RECORDS

DEC 20 2016

DEPARTMENT OF STATE

Local Law No. 4 of the year 2016

A local law Amending Chapter 53 Entitled Animals to the Code of the Village of Buchanan
(Insert Title)

Be it enacted by the Village Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Buchanan

as follows:

Attached Copy

(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. 4 of 2016 of the (County)(City)(Town)(Village) of Buchanan was duly passed by the Village Board on December 6, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.)

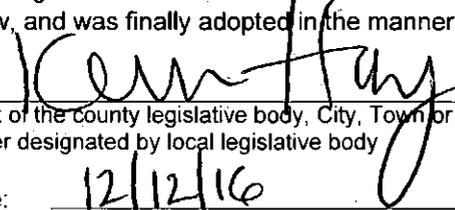
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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

Date: 12/12/16

(Seal)

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 4 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 domestic animals. (For the purpose of this article, the word "pack" is hereby defined to mean three or more such 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 Village Clerk or his/her designee 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 Village Clerk or Village Police of any such complaint, said complaint shall be forwarded to the Town of Cortlandt Animal Control Officer. In the event that any cat or other domestic animal is found by the Town of Cortlandt Animal Control Officer to be in violation of any provision of this article, the Town of Cortlandt Animal Control Officer 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, or complainant may file 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 Town of Cortlandt Animal Control Officer 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 Town of Cortlandt Animal Control Officer, 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.