

LOCAL LAW NO. ___ of 2017

REGARDING THE REGULATION OF CATS OF THE TOWN OF ULSTER

A Local Law entitled “Town of Ulster Cat Control Law of the Town of Ulster”.

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ULSTER,
IN THE COUNTY OF ULSTER, NEW YORK, AS FOLLOWS:**

§ 1. Purpose.

Cats in the Town of Ulster have in some instances been allowed to roam free on property of others and are causing annoyance and damage to the persons and properties of others; therefore, the Town Board of the Town of Ulster enacts the following article to protect the health, safety and property of others from annoyance and damage caused by cats and to establish the responsibility and liability of cat owners arising from the conduct of their pets.

§ 2. Title.

The title of this article shall be the “Town of Ulster Cat Control of the Town of Ulster.”

§ 3. Definitions.

As used in this article, the following words shall have the following respective meanings:

CONTROL OFFICER -- The person authorized by the Town Board, by resolution, to enforce the provisions of this article. The Control Officer shall have all the powers of a constable or other peace officer in the execution of the provisions of this article, including the service of a summons, the issuing and serving of an appearance ticket and the service and execution of any other order of process, notwithstanding any provision of the Uniform Justice Court Act.

OWNER -- Any person who is an owner of a cat or any person, who keeps, harbors or feeds a cat. The owner need not be a resident of the Town of Ulster, but for a violation to occur, the cat must be in the town limits of the Town of Ulster.

§ 4. Restricted acts.

It shall be unlawful for any owner of or any person harboring any cat to permit or allow such cat in the Town of Ulster to:

A. Be vicious or to spray or to defecate in such a way as to cause annoyance to any person other than the owner or person harboring such cat.

B. Cause damage or destruction to property or to commit a nuisance upon the premises of a person other than the owner or person harboring such cat.

C. Remain in the Town of Ulster unless vaccinated currently against feline rabies.

§ 5. Judicial jurisdiction.

Any Town Justice of the Town of Ulster shall have jurisdiction to hear all actions and proceedings hereunder and of all prosecutions for the violations of this article.

§ 6. Complaints.

All complaints concerning alleged violations of this article shall be communicated to the Town of Ulster Control Officer. All such complaints shall be investigated, and it shall be the duty of the Town of Ulster Control Officer, in the appropriate case, to proceed with civil or criminal enforcement of the article or any provision of law pertaining hereto.

§7. Appearance tickets.

The Control Officer having reasonable cause to believe that a person has violated this article, shall issue, and serve upon such person an appearance ticket for such violation. The appearance ticket shall be in the form as prescribed by the resolution of the Town of Ulster in accordance with the provisions of this article.

§8. Enforcement; seizure of cats at large.

It shall be the duty of the Town of Ulster Control Officer to enforce the provisions of this article and to seize all cats found at large in violation of the article or which are ordered seized by a Town Justice.

§9. Notification and redemption procedures; fees.

A. For any cat seized pursuant to this article, the following notification and redemption procedures shall be followed:

(1) Unidentified cats shall be held for a period of five days from the date of seizure, during which time the owner may redeem the cat.

(2) For identified cats, the owner shall be notified personally or by certified mail, return receipt requested, of the facts of the seizure and the redemption procedure. If notification is made personally, the cat shall be held for seven days after the day of notice. If notification is made by mail, the cat shall be held for a period of nine days. The owner may redeem the cat during the foregoing time periods.

B. In either of the above cases, the owner must produce proof of current vaccination against feline rabies and pay seizure and impoundment fees in order to redeem the cat. The seizure and impoundment fees shall be as set, from time to time, by resolution of the Town Board.

§10. Failure to redeem.

If not so redeemed, the owner shall forfeit all title to the cat, and the cat shall be sold or destroyed by the Town of Ulster Control Officer. In the case of sale, the purchaser must pay all accrued charges and have said cat vaccinated against feline rabies if proof of vaccination does not already exist. The Control Officer who destroys or has destroyed a cat shall make a written report of such destruction and disposition to the Town Clerk, who shall keep a record thereof.

§11. Authorization.

The Town of Ulster Control Officer is hereby authorized to pick up unwanted cats that are owned by residents who are financially unable to properly care for their cats, including the cost of vaccination against feline rabies, when such owner requests the Town to dispose of these cats, in accordance with the following rules:

A. The owner of the cat must execute a form relinquishing all claim of ownership to the cat and agreeing to its disposition according to the law and absolving the Town of Ulster and the Town of Ulster Control Officer of any liability.

B. The owner of the cat is responsible to pay all costs related to the disposition of the cat.

§12. Limitation of pickup; discontinuance.

The Town of Ulster reserves the right to pick up those unwanted cats as space is available and to discontinue the service by resolution of the Town Board, if necessary.

§13. Penalties for offenses.

The first violation of this chapter and article shall be punishable by a fine of Fifty Dollars (\$50.00), a second violation shall be punishable by a fine of One Hundred Fifty Dollars (\$150.00), and third, and any subsequent violations shall be punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

§14. Severability; Repealer.

If any section, paragraph, subdivision, clause, or provision of this local law shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this local law shall be deemed valid and effective. Any local law, ordinance, or part thereof in conflict herewith is hereby repealed.

§ 15. Effective Date.

This Local Law shall become effective upon filing in the Office of the New York State Secretary of State.