

CHAPTER 19A

CATS

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[HISTORY: Adopted by the Common Council of the City of Dunkirk on 7-6-1995 as L.L. #18 (Intro #20) 1995. Amendments noted where applicable.]

§ 19A-1. Purpose and intent.

The purpose and intent of this chapter shall be to preserve the public peace and good order in this City and to promote the general welfare and the preservation and protection of the property and the person of residents of this City by the enforcement of regulations and restrictions on activities of stray cats within the municipality.

§ 19A-2. Definitions.

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

**ANIMAL CONTROL OFFICER** - A person appointed by the Common Council of the City of Dunkirk for the purpose of enforcing this chapter. For purposes of this chapter, an “Animal Control Officer” shall be deemed a peace officer.

**AT-LARGE** - Any stray cat off the premises of the owner, except as otherwise specifically provided by this chapter.

**CAT** - Both male and female of the species.

**CITY** - The City of Dunkirk, New York.

**OWNER** - Includes any person who owns, keeps, harbors or has the care, custody or control of a cat. Cat owners by minors under the age of

eighteen (18) years shall be deemed to be in the custody and control of the minor's parents or head of the household where such minor resides.

**§ 19A-3. Regulations and restrictions upon cats.**

All cats and cat owners within the City shall be subject to the following regulations and restrictions:

- A. No person owning or having the care and custody of a cat shall permit such cat to be at large within the City elsewhere than on the premises of the owner, except on the premises of another person with the knowledge and consent of such other person.
- B. The fact that a cat is at large within the City elsewhere than on the premises of the owner or the premises of another person consenting thereto shall be presumptive evidence that the cat has been permitted to be at large with the knowledge of the owner.
- C. A premise shall not contain more than three (3) adult cats regularly residing upon the premises.

**§ 19A-4. Damage, nuisance and disturbance by cats prohibited.**

The owner of a cat shall not permit such cat to do any of the following acts:

- A. Damage or deface property not belonging to the owner.
- B. Deposit waste or commit a nuisance on the property of a person other than that of the owner.
- C. Howl so as to disturb or annoy any person or persons.

**§ 19A-5. Seizure of cats at large.**

- A. Any cat found at large within the City may be seized and confined by any duly appointed Animal Control Officer, peace officer or duly authorized officer or representative of the City. Any cat which, when found at large, cannot, in the opinion of the Animal Control Officer, peace officer or duly authorized representative of the City, be safely seized may be destroyed.
- B. Any cat seized pursuant to the provisions of this chapter shall be fed, cared for and disposed of in the same manner as dogs, in accordance with the provisions of § 118 of the New York State

Agriculture and Markets Law, except as cats are not licensed, the owner of record need not be determined or notified.

**§ 19A-6. Penalties for offenses.**

Any person violating the provisions of this chapter shall be subject to a fine and/or imprisonment the same as that provided for in Chapter 25-Dogs and as set forth in § 119 of Article 7 of the New York State Agriculture and Markets Law.

**§ 19A-7. Severability.**

In the event that any portion of this chapter shall be declared invalid, the remainder thereof shall not be affected thereby and shall remain in full force and effect.

**§ 19A-8. Effective date.**

This chapter shall take effect upon filing with the New York State Secretary of State.