

Ordinances and Regulations

Village of Earlville,

New York

ORDINANCES OF THE VILLAGE OF EARLVILLE, N. Y.

After a notice was legally given to the voters of the Village of Earlville by conspicuously posting in four public places, a public hearing was held in the Municipal building on May 14, 1963, at which 31 were present.

On May 16, 1963, the Village Board after considering the suggestions by the village voters passed the following ordinances. The vote of the Village Board was:

Ayes, four: Drazek, Reynolds, Ryberg and Dugan.

Nays, None.

Absent, one.

ARTICLE 1 Corporate Seal

The corporate seal of the Village of Earlville shall consist of word "SEAL" inside a circle and the words "VILLAGE OF EARLVILLE" in a circle around the circle.

ARTICLE 2 Description of Boundaries of The Village of Earlville

Beginning at a point which is the intersection of the East and West line between the County of Madison and the County of Chemungo and the corners of the Town of Sherburne, Smyrna, Lebanon and Hamilton, said point is the center of West Main Street; thence N. 4¼ degrees E. 11.56 ch.; thence N. 52¼ degrees E. 2.72 ch.; thence N. 23¼ degrees E. 1.89 ch.; thence N. 2 degrees W. 3.34 ch.; thence N. 35¼ degrees E. 5.77 ch.; thence N. 5¾ degrees E. 5.48 ch.; thence N. 11 degrees W. 8.28 ch.; thence N. 19 degrees E. 3.97 ch.; thence N. 13¼ degrees E. 5.44 ch.; thence N. 1¼ degree W. 10.96 ch.; thence N. 2¼ degrees E. 3.28 ch.; thence S. 86 degrees E. 16.60 ch.; thence S. 86 degrees E. 28.56 ch.; thence S. 1 degree W. 6.87 ch.; thence S. 4¾ degrees W. 10.06 ch.; thence S. 4 degrees W. 16.48 ch.; thence S. 87¼ degrees E. 8.19 ch.; thence S. 86 degrees E. 9.56 ch.; thence S. 1¼ degrees W. 13.83 ch.; thence S. 72½ degrees E. 4.43 ch.; thence S. 12 degrees W. 5.11 ch.; thence S. 15 degrees E. 3.62 ch.; thence S. 8¾ degrees W. 3.21 ch.; thence S. 15 degrees E. 1.81 ch.; thence S. 56¾ degrees E. 1.875 ch.; thence S. 13¾ degrees E. 2.90 ch.; thence S. 14¼ degrees E. 2.62 ch.; thence S. 5 degrees E. 6.19 ch.;

thence S. 43 degrees E. 1.5 ch.; thence S. 89¼ degrees E. 6.16 ch.; thence S. 13 degrees W. 2.66 ch.; thence S. 4¾ degrees E. 5.87 ch.; thence S. 53¾ degrees E. 2.76 ch.; thence S. 14 degrees E. 1.36 ch.; thence S. 24 degrees W. 2.21 ch.; thence S. 14¾ degrees W. 4.93 ch.; thence S. 64½ degrees W. 3.62 ch.; thence S. 58 degrees W. 3.4 ch.; thence S. 66¾ degrees W. 4.45 ch.; thence S. 66¾ degrees W. 3.46 ch.; thence S. 76½ degrees W. 1.53 ch.; thence S. 17 degrees W. 1.07 ch.; thence S. 5½ degrees W. 6.55 ch.; thence N. 86½ degrees W. 4.0 ch.; thence N. 85 degrees W. 7.52 ch.; thence N. 86 degrees W. 17.43 ch.; thence N. 2¼ degrees E. 1.6 ch.; thence N. 83½ degrees W. 32.53 ch.; thence N. 14¼ degrees W. 7.5 ch.; thence N. 29½ degrees W. 3.43 ch.; thence N. 33¼ degrees W. 4.06 ch.; thence N. 39¼ degrees W. 4.72 ch.; thence S. 4¾ degrees E. 27.37 ch.

ARTICLE 3 Provisions Relating to Conduct at Fires

Section 1: Right of way of fire apparatus

All engines, motor vehicles, trucks, wagons and movable apparatus of the fire department, when going to a fire, shall have the right of way through all streets and avenues in the Village of Earlville, New York. On the approach of fire apparatus in any street or avenue as evidenced by suitable warning or signal indicating the route of such fire apparatus, every driver or person in control of another vehicle shall immediately drive such vehicle as near as practicable to the right hand curb or side of such avenue or street and parallel thereto, and bring it to a stand-still and keep it stationary until such fire apparatus has passed.

Any person violating any provision of this section shall forfeit and pay a penalty not to exceed \$25.00 for each offense.

Section 2: Good order at fires.

No person shall wilfully or maliciously obstruct the operation of the fire department or fire apparatus in the Village of Earlville, New York, or wilfully or maliciously neglect or refuse to obey or attempt to prevent or obstruct the execution of any lawful order of the trustees of said village or officers of the fire department thereof.

See Article 6, Section 6.

Section 3: Protection of fire hose in streets

Whenever any hose of the fire department of the Village of Earlville, New York, shall be placed in or upon any street or avenue in the Village of Earlville, New York, in response to any alarm of fire or for the purpose of putting out a fire or for any purpose whatsoever under its jurisdiction, it shall be unlawful for any person, firm or corporation to drive or propel or cause to be driven or propelled on or across such hose, any motor vehicle, truck, wagon or other vehicle.

Any person, firm or corporation violating any provision of this section shall forfeit and pay a penalty not to exceed \$25.00 for each offense in addition to cost of damaged hose.

Section 4: Streets blocked at fires

The fire chief or any assistant in the fire department in charge of any fire may when deemed necessary by him to insure the efficient working of the men or apparatus under his control blockade any street, avenue, lane, alley or part thereof or other place in the Village of Earlville, New York, and no person shall break through or attempt to break through such blockade.

Any person violating any provision of this section shall forfeit and pay a penalty of not to exceed \$25.00 for each offense.

Section 5: Giving false alarms at fires

No person shall wilfully or maliciously give or cause to be given a false alarm of fire in the Village of Earlville, New York.

Penalty — See Article 6, Sec. 6.

Section 6: Obstruction to fire house and hydrants

No person shall permit any motor or other vehicle to stand in front of the street entrance to the building in the Village of Earlville, New York, in which the fire apparatus of said village is kept for use, or within 10 feet of any hydrant used by said village to obtain water for use by the fire department of said village. (Penalty — see Sub-section 6.2.)

Sub-section 6.1: Misuse of fire hydrants

It shall be unlawful for any person in any manner to obstruct the use of any fire hydrant within the village or unless duly authorized to open, draw water from, unfasten, or break or injure any of the fire hydrants set in the public streets of the Village of Earlville, New York. (Penalty — see Sub-section 6.2.)

Sub-section 6.2: Removal of fire equipment

It shall be unlawful for any person without proper authority to carry away, keep, conceal, in-

jure, deface, or destroy, any tool, appliance, accessory, apparatus or other property or things belonging to or used in any way by the fire department of the Village of Earlville, New York.

Any person violating any provision of this section or subsection shall forfeit or pay a penalty not to exceed \$10.00 for each offense in addition to cost of equipment.

ARTICLE 4

Disorderly Conduct

Section 1: Disturbance in public assemblages

No person shall make, aid or assist in making any riot, noise, disturbances or improper diversion or behave in any indecent or disorderly manner in the streets or in any public place or on any private premises or elsewhere in the Village of Earlville, New York.

Any person violating any provision of this section shall forfeit and pay a penalty of not to exceed \$25. for each offense.

Section 2: Annoyance of persons

No person shall make or assist in making any improper or unnecessary noise or disturbance or wilfully commit any act or use any language which shall annoy or be intended to annoy, disturb, or endanger the peace, comfort or safety of any person or persons then present or passing on any public street, avenue, sidewalk, lane or public place or on any premises in the Village of Earlville, New York. (Penalty — see Article 4, Section 1.)

Section 3: Posting signs

No person shall write, make, draw or paint any writing, printing, picture, marks or device of any kind on any sidewalk, tree, utility pole or shrub in this village, or stick, fasten or post any placard, bill or paper thereon except the posting and affixing of notices required by law. (Penalty — see Article 4, Section 1.)

Sub-section 3.1: Defacing buildings

No person shall injure, deface or tarnish any public building or any property belonging to the Village of Earlville, New York, in any manner whatsoever. (Penalty — Article 4, Section 1.)

Sub-section 3.2: Defacing property

No person shall wantonly or wilfully injure, cut, deface, tarnish or besmear any wall, pump, hydrant, fountain, bridge, fence, railing, house or any useful or ornamental structure or any shade tree or shrub within the village; except on private property. (Penalty — see Article 4, Section 1.)

Section 4: Palmistry

It shall be unlawful for any person to practice palmistry or fortune telling within the Village of Earlville, New York. (Penalty — Article 4, Section 1.)

Section 5: Unnecessary noise by amplifying apparatus

No person shall make or assist in making any improper or unnecessary noise by the use of any amplifying apparatus of voice or music without the written consent of the Village Clerk and upon the payment of a license fee to be fixed in the discretion of the Village Clerk upon application therefor, except when same is operated for the benefit of the Village of Earlville, or any of its civic sub-divisions. (Penalty—Article 9, Section 1.)

Section 6: Intoxication

No person shall be intoxicated on any public street, avenue, sidewalk, alley or any other public place in the Village of Earlville, New York. (Penalty — Article 9, Section 1.)

Section 7: Vagrancy

No person shall loaf, lounge, idle or beg on any street or in any public place within the Village of Earlville, New York. (Penalty — Article 9, Section 1.)

ARTICLE 5 Sidewalks & Streets

Section 1: Altering grade of sidewalks

No person shall without the consent of the Board of Trustees in writing alter the grade of any sidewalk and all sidewalks hereinafter constructed in the village shall be built on grades established by the Board of Trustees and shall be constructed under their supervision. (Penalty — Article 9, Section 1.)

Section 2: Altering grade of streets

No person shall by any act whatsoever wilfully or maliciously alter or interfere with or cause to be altered or interfered with any grade of any street or sidewalk or cross-walk in the Village of Earlville, New York; which grade shall have been established by the trustees of said village or by the Street Commissioner thereof under the direction of the said trustees. (Penalty — Article 9, Section 1.)

Section 3: Snow removal from streets and sidewalks

All property owners must keep the sidewalks on their property free and clear of snow and ice and shall not permit snow or ice to remain on such sidewalks. Sidewalks must be cleared of snow and ice 10 hours after cessation of snowfall. When snow is removed from the walks by the village using plows or other methods, it shall nevertheless be the duty of the owner to complete the removal

of snow and ice which may remain after such plows or other methods have been used. Whenever an owner or person having charge of any parcel of real estate shall fail or neglect to remove snow or ice from such sidewalks, the superintendent of public works or other person to be designated by the Village Board shall cause the same to be removed therefrom forthwith, and without any further notice to the property owner, and the bill for the cost of the same shall be mailed to the owner at his last known place of residence. In case the property owner shall fail to pay the same within ten days, a statement therefor may be filed with the Village Treasurer, and the Treasurer may add the same to the tax bill and levy it against the property and collect it from the property owner in the same manner as other general village taxes. In case the snow or ice on any sidewalk shall be frozen so hard that it cannot practically be removed, the owner, lessee, occupant or other person or persons having charge thereof shall cover or cause such sidewalk to be covered and strewn with either sifted ashes, sand or some similar material, and shall as soon thereafter as the weather will permit, thoroughly clean said sidewalk and remove the snow and ice therefrom.

Section 4: Damage to sidewalks and/or streets

No person shall injure any pavement, sidewalk, crosswalk, sewer, drain or street, or dig a sewer, drain or other excavation in a street, or remove any material from the street, without first obtaining a permit from the Village Board, and under such conditions as may be imposed by the Village Board. The Village Board may order any excavation, sewer or drain, dug or constructed contrary to the provisions of this section to be built or altered at the expense of the person causing the same to be dug or constructed.

Section 5: Construction on streets and sidewalks

Whenever any work is being done within a Village Street the persons causing such work to be done shall first obtain permit from the Village Board. The persons performing such work shall at all times properly secure the public safety by the use of such barriers and warning signs and other safety measures as may be necessary and by proper lights and other warning signals and other safety measures during the night time.

Section 6: Use of sidewalks and streets during construction

No person shall ride or drive any animal or vehicle upon a street or over the streets of the village or sidewalks of the village, any tractor or other machine or ap-

paratus equipped with lugs, dogs or cleats that come in contact with the street.

Section 7: Debris on streets or sidewalks

*No person shall pile boxes, barrels or other materials of any description, or place, standing or permit to be placed standing any motor or other vehicle in any public street, sidewalk, lane or alleyway within the village in such manner as might obstruct the same for any passage of persons, or of vehicles as the case may be. (Penalty for Sections 3, 4, 5, 6 and 7 — Article 9, Section 1.)

ARTICLE 6 Public Safety

Section 1: Firearms

No person shall discharge or carry any loaded firearm, B - B gun or air gun of any description within the corporate limits of the Village of Earlville, without lawful authority, or without obtaining a permit in writing from the Village Board.

Section 2: Explosives

No person without written permission from the Board of Trustees shall carry, transport or permit to be carried or transported, or discharge or cause to be discharged, any blast of any explosive materials at any point within the Village limits.

Section 3: Combustible materials, storage of

It shall be unlawful for any person to erect or replace any container for the storage of fuel oil, gas, kerosene or other combustible liquid or gases above the surface of the ground, where such tanks or containers exceed 300 gallons in capacity, without obtaining a written permit from the Mayor.

Section 4: Rubbish fires

No fire shall be ignited in the Village of Earlville for the purpose of burning trash or rubbish unless it is constantly attended until extinguished and water is applied on the ashes and unburned debris.

Section 5: Hunting within village limits

All hunting within the Village of Earlville is hereby prohibited. Under no circumstances shall a loaded firearm be carried in any public place, excepting by a peace officer or other duly constituted authority. In requiring firearms to be unloaded, it is meant that the chamber and magazine of the firearm shall be completely emptied.

Section 6: Punishment, fines, penalties

Any person violating any of the ordinances of this village for which no other punishment is specially prescribed by such ordinances,

shall be liable to the payment of a penalty of \$10.00 for the first violation of a particular ordinance, \$25.00 for a second violation of the same ordinance and \$50.00 for a third, and for each subsequent violation of the same ordinance. In addition thereto any violation of the village ordinances shall constitute disorderly conduct and the person violating the same shall be a disorderly person and shall be subject to proceedings in connection therewith as prescribed by the village law of the State of New York.

Section 7: Snow and ice, etc., falling from buildings

The owners of buildings adjacent to public streets and sidewalks shall prevent the accumulation of snow, ice or water thereon and shall prevent the falling of snow, ice or water from such building upon such street or sidewalks.

Any person violating any provision of this section shall forfeit and pay a penalty of not to exceed \$10.00 for each offense.

Section 8: Bicycles

No person shall operate a bicycle within the Village between the hours of sunset and sunrise unless the same is equipped with a warning bell or horn and a battery operated light shining in front and a red tail reflector in the rear.

ARTICLE 7 Junk Yards

Section 1:

No person shall establish or operate a yard for the purchase, sale or storage of junk, used automobiles, used trucks, or the parts thereof within the corporate limits of the village. (Penalty — Article 6, Section 6.)

ARTICLE 8 Traffic

Section 1: All night parking

No vehicle shall be parked on any public highway or street within the corporate limits of the village of Earlville between the hours of 2 a. m. and 6 a. m. Any violators shall be subject to having said vehicle towed away and stored until all towing and storage charges are paid.

Section 2:

No person shall operate a motor vehicle or motorcycle upon any public highway within the corporate limits of the Village of Earlville at a rate of speed in excess of thirty miles per hour unless otherwise posted. This section shall not apply to ambulances or fire vehicles when on emergency trips. (Penalty — Article 6, Section 6.)

Section 3: Parking in restricted areas

No automobile, car, truck or

other vehicle either horse drawn or self-propelled shall be parked at any place within the village limits of the village of Earlville where by act of the Board of Trustees parking has been prohibited and where such restricted zones shall have been marked off and suitable signs erected as notices of such restrictions.

Every person guilty of violating this ordinance shall be punishable by a fine of \$5.00 for each and every offense.

Section 4: Abandonment of vehicles

When any vehicle is parked or abandoned on any public highway within the village during a snow storm, flood, serious fire or other extreme public emergency, which affects that portion of the public highway upon which said vehicle is parked or abandoned said vehicle may be removed by direction of any trustee of the Village, any peace officer or by the proper officer of the fire department. After such removal the officer ordering such removal shall store such vehicle in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment of the amount of all expenses actually and necessarily incurred in effecting such removal.

Such charges not to exceed Ten Dollars (\$10.00), together with any charges for storage, such storage charges not to exceed Three Dollars (\$3.00) per day or fraction thereof. The officer ordering such removal shall proceed immediately to ascertain the owner of such vehicle or person having charge of the same and notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem the same.

Section 5: U turn

The turning of vehicles proceeding along a highway so as to proceed in the opposite direction is prohibited upon all highways within the village.

ARTICLE 9 Public Health

Section 1: Village dump

The village dump shall be open at such times as may be fixed by the Board of Trustees. No dumping is permitted in improper places. No person not an actual resident of the village shall use such dump for the deposit of any materials at any time except by written permission of the Village Board and upon the payment of a fee to be fixed by the Village Board.

Any person violating any provision of this ordinance shall forfeit and pay a fine of a minimum of \$5.00 for the first offense, \$10.00 for the second offense of the same ordinance and \$25.00 for the third and subsequent offenses of the same ordinance.

Section 2: Restaurants

No restaurant shall be established and operated in the Village of Earlville until the proprietor or proprietors have satisfied the Board of Trustees that they have complied with the Laws of the State of New York in connection with the Alcoholic Beverage Law, the Labor Law and the Public Health Sanitary Code.

Section 3: The keeping of animals

No person shall operate a dog kennel or cause to be kept swine, cattle, horses, rabbits, chickens, sheep, goats or fur bearing animals in the Village of Earlville, New York, unless he shall have obtained consent in writing so to do in such manner as the Board of Trustees of said village shall by resolution thereof prescribe. This does not effect any existing establishments.

Section 4: Slaughter houses

No person shall use or permit to be used any building, shed, lot or premises in the Village of Earlville, New York, for the purpose of slaughtering animals.

Section 5: Manure

No person, firm or corporation shall import any manure less than 2 years old on any land within the Village of Earlville unless consent is obtained from the Village Board in writing.

Section 6: Animals running loose

No person owning or having in his possession any horses, cattle, or any other animals, shall permit the same or any of them to run at large on any of the streets, sidewalks, lanes, alleys, parks or public grounds or places in the village of Earlville, New York. Any person in violation of this ordinance must be given ten days' notice of this violation in writing before he is subject to a penalty.

ARTICLE 10

Peddlers, Hawkers, Solicitors

Section 1: Definitions

For the purpose of this article the term "hawkers" or "peddlers" shall mean any person who in any public street or public place or by going from house to house or place of business to place of business, sells, barters, offers for sale or exposes for sale any goods or merchandise except milk or newspapers. The term "solicitor" shall mean any person who goes from house to house, or place to place, or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise except newspapers or milk. The term "established place of business" shall mean a building or store where a person transacts business during regular business hours.

Section 2: Exceptions

Nothing in this ordinance shall apply to any sales conducted by order of any court, not to whole-

salers selling or retailers, or to merchants having an established place of business within the village; or to farmers or truck gardeners who sell or dispose of products of their own farms or to any honorably discharged soldier, sailor or marine who is crippled as a result of injuries received while in the naval or military service of the United States or who has procured a license as provided by the law of the State of New York, or to those engaged in interstate commerce.

Section 3: Permits

It shall be unlawful for any non-resident person within the corporate limits of the Village of Earlville, New York, to act as hawker, peddler or solicitor as defined herein without first having obtained and paid for, and having in force and effect a license therefor. Said license shall be issued by order of the Mayor and obtained from the Village Clerk. Minimum fee shall be as follows: For one day, \$2.; for one week, \$4.; for one month, \$8.; for one year, \$15.

Any violation of this ordinance shall be deemed a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$50.00.

ARTICLE 11

Section 1. Repealing clause.

All ordinances of the Village of Earlville heretofore enacted and adopted, affecting any of the subjects herein dealt with are hereby repealed, but nothing herein contained shall affect or impair any right or remedy existing at the time the foregoing ordinances take effect.

ARTICLE 12

Section 1. When these ordinances take effect.

IT IS FURTHER RESOLVED, that each and all of the foregoing ordinances be entered by the Village Clerk in the minutes of the Board of Trustees of the Village of Earlville and that the Village Clerk, be and hereby is directed to cause said foregoing ordinances to be published in "The Mid-York Weekly," the official paper of the Village of Earlville, one week, and shall cause a printed copy thereof to be posted conspicuously in at least three public places in the Village of Earlville, as required by the Village Law, for at least ten days before the same shall take effect; and shall cause an affidavit of the publication and affidavit of the posting thereof to be filed with the Village Clerk of said Village and

IT IS FURTHER RESOLVED, that the foregoing ordinances shall take effect upon the expiration of ten days after the publication and posting thereof, and the filing of the affidavits of the publication and posting thereof with the Clerk of the Village of Earlville as provided by the Village Law.

The vote upon said motion for the adoption of said resolutions was taken, and recorded by the calling of the ayes and nays of the members of the Board of Trustees, and the Mayor, who were present, and resulted as follows:

Ayes, four, Dugan, Drazek, Ryberg, Reynolds.

Nays, none.

Absent, one.

The resolutions together with each and all of the ordinances therein contained were then declared adopted.

(L.S.) MURIEL TEFFT,
Village Clerk.

STATE OF NEW YORK
COUNTY OF MADISON ss.:
VILLAGE OF EARLVILLE

I, MURIEL TEFFT, Clerk of the Village of Earlville, New York, do hereby certify that a legal notice was given of a hearing on the new proposed ordinances by posting the entire proposed ordinances in four conspicuous places in the Village of Earlville, New York. Thirty-one people attended the hearing on May 14, 1963, and many suggestions were made to the Village Board. The Village Board then held a special meeting duly called by the Mayor and held in the office of the Village Clerk in the said Village on the 16th day of May, 1963, and after considering the suggestions, made several changes, and each and all of the ordinances herein contained were legally passed, enacted and adopted by the Board of Trustees of the Village of Earlville, by a vote of: Ayes, four; nays, none; absent, one; and were duly entered in the minutes of the meeting.

AND I FURTHER CERTIFY, that after printing; the complete ordinances were conspicuously posted in three public places on May 30, 1963, and that these ordinances take effect on June 12, 1963.

AND I FURTHER CERTIFY, that I have compared the foregoing copy of such resolutions and each and all of the foregoing ordinances therein contained with the original resolution and ordinances therein contained, now remaining on file in my office, and duly entered in the minutes of the meeting of the Board of Trustees, above mentioned, and that the same is a correct and true copy of said original resolution and each and all of the ordinances therein contained and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 30th day of May, 1963.

MURIEL TEFFT,
Village Clerk of the
Village of Earlville, New York,
Sworn and subscribed to before me this 30th day of May, 1963,
Theodore B. Lull,
Notary Public, Chenango Co.
Comm. expires, 3/30/64.

Be it enacted by the Board of Trustees, Village of Earlville, Earlville, New York:

Local Law in the matter of the government of the said Village, to wit:

VILLAGE OF EARVILLE DOG LOCAL LAW

Section 1. Purpose. The purpose and intent of this Local Law shall be to preserve the public peace and good order of the Village of Earlville, Madison and Chenango County, New York, to contribute to the public welfare, and to the preservation and protection of the property and the person of the inhabitants of said Village by declaring and enforcing certain regulations and restrictions on activities of dogs and owners of dogs within the Village.

Section 2. Definitions.

(A) Dog. Any dog, both male or female, whether such female dog is spayed or not.

(B) Owner. Any person who owns, keeps, harbors, or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents, or other head of the household where the minor resides.

(C) At Large. Any dog shall be deemed at large when it is off the property of its owner, and not under restraint.

(D) Restraint. A dog is under restraint when it is controlled by a leash, said leash not to be in excess of 6 feet, or in the presence of a competent person and obedient to that person's commands; or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper, or upon the premises of another with the consent of such other person.

Section 3. The position of Dog Warden may be created by the Village Board of Trustees of the Village of Earlville and such Dog Warden shall have all of the powers of a peace officer in the execution of this Local Law and in the execution of Article 7 of the Agriculture and Market Law, including

the service of summons, and the service and execution of any other order or process. Every dog seized by the Dog Warden shall be maintained, redeemed, sold or destroyed in according with Article 7 of the Agriculture and Market Law. There will be a \$5 fee payable by owner for every occasion when Dog Warden seizes a dog.

Section 4. Restrictions.

(A) No owner shall permit or allow a dog to run at large within the Village of Earlville, unless such dog shall be restrained as provided in Section 2 (D) herein.

(B) No dog shall be permitted to cause damage or destruction to property, or commit a nuisance, or to defecate upon the premises of a person other than to or upon the premises of the owner or persons harboring such dog.

(C) No owner shall keep or harbor a dog which howls or barks habitually or continuously so as to disturb the peace and quiet of other persons.

(D) No dog shall be permitted to chase or otherwise harass any person in such manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

(E) No dog shall be permitted to habitually chase or bark at moving motor vehicles, bicycles, animals or snowmobiles.

(F) No unsprayed female dog in season shall be permitted to be outside a building or a fenced enclosure, except that the owner may exercise such dog while on a securely fastened leash not more than six feet long.

(G) No owner shall fail to provide dogs with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

Section 5. Unlicensed Dogs. Pursuant to Section 126-A of the Agriculture and Market Law, owning or harboring a dog within the Village of Earlville unless such dog is licensed as required by provisions

of the Agriculture and Market Law shall be an offense punishable by a fine not exceeding Ten Dollars (\$10.00) for each offense or violation. The fact that a dog is without a license tag attached to a collar, shall be presumptive evidence that the dog is unlicensed.

Section 6. Violations of Restrictions.

(A) Any person who observes a dog violation, or which is being permitted to violate any of the restrictions set forth in Section 5 herein, may file a complaint signed under oath, with the Municipal Judge, Village of Earlville, specifying the violation, the date thereof, damage, if any, cause, a description of the dog, and name and residence if known, or the owner or other person harboring such dog.

(B) Upon receipt by the Municipal Judge of any complaint against the conduct of any particular dog, or the owner thereof, the Municipal Judge shall, upon a three day notice, summon the alleged owner or other person harboring said dog to appear in person before him to answer to said complaint. If the summons is disregarded, the Judge may permit the filing of an information and issue a warrant for the arrest of such person.

Section 7. Exclusions. This Local Law shall not apply to dogs owned by such persons or confined to such societies, hospitals or institutions as defined by Article 7, Section 127 of the Agriculture and Markets Law.

Section 8. Penalties. A violation of this Local Law shall be deemed an offense and a violation thereof shall be punishable by a fine of not more than \$25.00 for each violation.

Section 9. Additional Civil Penalties.

(A) Any violation of this Local Law acted upon by the Dog Warden, shall subject the owner of such dog to civil penalties which shall be in addition to and or instead of other penalty or fine as

may be provided for in this Local Law or pursuant to Article 7 of the Agriculture and Markets Law.

(B) For the first violation of Section 5, the Dog Warden shall, upon determination and identification of the dog, may serve, mail or deliver a notice of first violation specifying the time, place, date and nature of violation upon the owner of the dog, and which notice shall instruct the owner to report at the Village Clerk's Office of the Village of Earlville, New York, in regard to said violation. Each such owner shall within seven (7) days of the time which such notice was served, mailed or delivered, pay to the Village, as an additional Civil Penalty for such violation, the sum of \$15.00, and or proceed under Section 6 of this Local Law.

(C) For a second or subsequent violation of Section 5 within a one-year period, the Dog Warden may, upon determination and identification of the dog, seize the same and hold the same for redemption or otherwise as provided in Section 114-A of the Agriculture and Market Law; in addition to such seizure and in any event, whether or not such seizure is made, the Dog Warden shall serve, mail or deliver to the owner of the dog a Notice of Second Violation, and which notice shall instruct the owner to report to the Village Clerk's Office in regard to such violation. Each owner shall, within twelve (12) days of the time when such notice was served, mailed or delivered, pay to the Village an additional Civil Penalty for such violation, the sum of not to exceed \$50.00.

(D) The failure of such owner to make payment to the Village Clerk, shall render the owner subject to a civil action in the name of the Village, to recover from the owner the applicable penalty established in this action.

Section 10. Separability. If any section, subsection, sentence, clause, phrase or provision of this Local Law is for any reason held

invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 11. **Effective Date.** This Local Law shall take effect ten days after its publication and posting as provided by law.

H. EDWIN DAVEY
Mayor

Dated: August 24, 1977.

Sworn and subscribed to before me this 8th day of September, 1977

DOROTHY L. LEHMAN
Notary Public

This is to certify that the foregoing Local Law was adopted by the Board of Trustees of the Village of Earlville, Earlville, New York on September 7, 1977. The vote of the Village Board was:

Ayes: three (Tomsic, Wilson and Campbell)

Nays: None

Absent: One

And that all proper steps in proper sequence according to Municipal Home Rule Law #20 and all applicable laws and subdivisions thereof were compiled with.

H. EDWIN DAVEY
Mayor

Sworn and subscribed to before me this 8th day of September, 1977

DOROTHY L. LEHMAN
Notary Public

OPEN ALCOHOLIC BEVERAGE CAN LAW

Be it enacted by the Board of Trustees, Village of Earlville, Earlville, New York:

Local Law in the matter of the government of the said Village, to wit: Article 4, Provisions relating to use of public sidewalks, streets, avenues, places, trees and shrubs shall be enacted to further provide, to wit:

Section 8 — No person shall carry or have in their possession alcoholic beverages on any of the streets, sidewalks, parks or pub-

lic places within the Village of Earlville, except in a sealed container and wrapped in paper bags or other suitable material. Any person violating any provision of this Local Law shall forfeit and pay a penalty of not to exceed Twenty-Five Dollars (\$25.00) for each offense.

Section 9 — No person shall drink or consume any alcoholic beverage on any of the streets, sidewalks, parks or public places within the Village of Earlville. Any person violating any provision of this Local Law shall forfeit and pay a penalty of not to exceed Fifty Dollars (\$50.00) for each offense.

Section 10 — An open bottle or open container in any vehicle shall be presumptive evidence that the same is in possession of all the occupants thereof and in violation of Section 9.

H. EDWIN DAVEY
Mayor

Sworn and subscribed to before me this 8th day of September, 1977

DOROTHY L. LEHMAN
Notary Public

This is to certify that the foregoing Local Law was adopted by the Board of Trustees of the Village of Earlville, Earlville, New York on September 7, 1977. The vote of the Village Board was:

Ayes: three (Tomsic, Wilson and Campbell)

Nays: None

Absent: One

And that all proper steps in proper sequence according to Municipal Home Rule Law #20 and all applicable laws and subdivisions were compiled with.

H. EDWIN DAVEY
Mayor

Sworn and subscribed to before me this 8th day of September, 1977

DOROTHY L. LEHMAN
Notary Public