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To Town of Cortland,

We, Zapadinsky Family, represent one of the Deaf/Hard of Hearing families of Cortland and have lived here for more than 12 years. We have been complying with Town Codes and have gone up and beyond to accommodate our part to meet the codes. However, we have come to realize the Town Codes are not accommodating to our ability. For instance, Title 5: **5-1A-3: NOISY OR VICIOUS DOGS AND CATS**

A: Prohibited Acts; Nuisance Declared: It shall be unlawful to keep or harbor any dog or cat which continually and unreasonably alarms and disturbs the public by loud noises, **Excessive, continuous or untimely barking,** molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance, and it shall be unlawful for any person to suffer or permit any such nuisance to exist. (Ord. 1973-1, 4-9-1973, eff. 5-1-1973; amd. 1998 Code)

This code needs to be updated. With Americans with Disabilities Act, in effect, we feel this code does not allow for accommodation. Due to ours and other families who have hearing loss, we have dogs accommodating our needs. For example, we have trained our dog to inform us if there are people outside our house, knocking or ringing the door bell, or if there is a strange sound. We depend very much on the dog's actions and one does includes barking. With this code, we are asking to add an amendment citing

the ADA that recognizes people with hearing loss do have dogs trained to be part of their accommodation.

In addition, this code needs to be more specific. What is excessive or continuous barking? What is untimely barking? The current code can have too many meanings. We are asking that a specific time frame be added by saying continuously or intermittently for 15 minutes. For the purpose of this section, a "noise nuisance declared from a barking dog" shall be defined as that created by a dog barking continuously or intermittently for 15 minutes.

Americans with Disabilities Act of 1990, 42 U.S.C. §§12101 *et seq.* ("the ADA") and the Fair Housing Amendments Act of 1988, 42 U.S.C. §§3601 *et seq.* ("the act"). With these laws, Congress prohibited the discrimination of the disabled in public accommodations and housing.[1] Both statutes require housing providers to make reasonable accommodations for the disabled.

The only requirements which classifies as a service animal under federal regulations are that the animal be (1) individually trained, and (2) work for the benefit of a disabled individual. There is no requirement as to the amount or type of training a service animal must undergo. Further, there is no requirement as to the amount or type of work a service animal must provide for the benefit of the disabled person."

According to The Codes of Federal Regulation for the Americans with Disabilities Act of 1990 state, "Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items."Hearing dogs are a type of service dog individually trained to alert their deaf or hard of hearing handler to a variety of environmental sounds such as: the doorbell, door knock, timers, smoke alarms, horns, emergency vehicles, a baby crying, a person calling to the handler, etc. Some people choose to have their dog work sounds for them inside the home only, while others choose to have their dog work sounds for them both inside and outside of the home. The applicant must have a hearing loss of at least 65 db in order to qualify for a hearing dog. Our family members do meet this hearing loss requirement.

We propose to amend the specific timing for dog barking 15 minutes and to also recognize that Deaf/Hard of Hearing residents do use their dogs as an accommodation.

Thank you for considering the proposal.

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