

Local Law #4 of the Town of Denning 2004

Dog Controls



ARTICLE 1

Sec. 1-1. Purpose

The purpose of this article is to protect the public health, safety, and welfare by controlling and regulating the dog population in the Town of Denning, and by reinforcing that portion of the Agricultural and Markets Law of the State of New York pertaining to the licensing and identification of dogs.

Sec. 1-2. Enabling Status

This article is enacted pursuant to the authority vested in the Town of Denning by the Town Law, Municipal Home Rule, the Agriculture and Markets Law and other pertinent laws of New York State.

Sec.1-3. Definitions

The following words and phrases will have the following definitions for the purpose of this article:

At Large - Unleashed and on property open to the public or on private property not owned or leased by the owner of the dog without permission of the owner or tenant of the property. No dog shall be deemed at large if it is:

- A) Accompanied by and under full control of its owner or other responsible person while:
 - 1) On lands of its owner
 - 2) Lawfully on public lands
 - 3) On private lands with the permission of the land owner or tenant
- B) A police dog lawfully being used or trained for police work while under full control of its trainer or a police officer.

Dog Control Officer - Any individual appointed by the Town to enforce this article or Article 7 of the Agriculture and Markets Law of the State of New York.

Harbor - To provide food or shelter to any dog.

Owner - Any person legally entitled to possession of a dog pursuant to Sec. 108 Subdivision 15 and 16 of the Agriculture and Markets Law unless such dog is lost and such loss promptly reported to the Dog control Officer of the Town. The term owner shall be deemed to include any person who harbors a dog except on a temporary emergency basis to protect and aid a stray or lost dog. In the event that the owner of a dog is under 18 years of age, the custodial parent or guardian, or head of household in which said minor principally resides, shall be deemed the owner of such dog for the purpose of this article.

Sec. 1-4. Licensing

- A) All dogs must be licensed and have all immunizations required by State Law.
- B) Dogs designated as "Comfort Dogs" are exempt according to State regulations.

Sec. 1-5. Restrictions

It shall be a violation of this article for the owner of any dog to permit such dog:

- A) To be at large.
- B) To engage in habitual howling, barking, crying or whining, or any other behavior which unreasonably disturbs the comfort or repose, or causes damage or destruction to real or personal property of any person other than the owner of such dog.
- C) To commit a nuisance by defecating or urinating upon public property or upon the premises of any person other than the owner of such dog.
- D) To chase, threaten, harass, annoy, intimidate or alarm any person or to place any person in reasonable apprehension of bodily harm or injury, unless such person is

- unlawfully on the owner's premises or in the owner's residence or such person is threatening the safety of the owner's person, family, guests or property, or any person lawfully on the owner's property or in the owner's residence.
- E) To habitually chase or run alongside of moving vehicles, horse or pedestrians lawfully using the public highways.

Sec. 1-6. Enforcement

This article may be enforced by any dog control officer or law enforcement officer acting pursuant to his special duties.

Sec. 1-7. Seizure, Impoundment, Redemption

- A) Any dog which appears to any enforcement officer to be in violation of this article or Article 7 of the Agriculture and Markets Law of the State of New York, may be seized in accordance with the provisions of Sec. 118 thereof, all dogs must be licensed and have all immunization required by State Law.
- B) Every dog seized shall be properly fed and cared for until disposition thereof is made. All impounded dogs will be held for a maximum of 5 days for unlicensed dogs and 9 days for licensed dogs. After which the dog will be transferred to Ulster County SPCA unless prior arrangements to the satisfaction of the Town has been made. If accommodations are not available at the SPCA, the dog will be euthanized.
- C) In the event the dog seized bears a licensed tag, the dog control officer shall give immediate notice personally by serving such owner or adult member of his family with a notice in writing, by certified mail, stating that the dog has been seized.
- D) Every dog so seized may be redeemed by any person producing proof of their ownership or authority for possession of such dog upon payment of an impoundment fee of \$25.00 and any kenneling or medical expenses incurred by the Town for the safety or welfare of the dog or public, including immunizations and veterinary services. If unlicensed, the owner must obtain a dog license from the Town Clerk before the dog is returned to the owner.
- E) If the owner of any seized dog is known, such owner shall be required to pay to the Town Clerk, expenses and impoundment fees set forth in "D" above whether or not the owner chooses to redeem such dog. The Town may bring civil action for the collection of such impoundment, kenneling, and all other costs related to the seizure of such dog, the cost may be recovered by the Town Clerk in a civil action brought in the name of the Town before a Town Justice in the Town of Denning.

Sec. 1-8. Jurisdiction of Town Justice

- A) Any Town Justice of the Town of Denning shall have jurisdiction to hear all signed complaints filed as hereinafter provided and all actions and proceedings hereunder and all prosecutions for the violation of this article. Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may permit the filing of the information and issue a warrant for the arrest of such person.
- B) Any person who observes a dog causing damage or destruction to property of a person other than its owner or violating any section of this article may file a signed complaint, under oath, with a Town Justice of the Town of Denning, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring the dog.

Sec. 1-9. Penalties for Offenses

- A) Any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine not exceeding \$250.00 or by imprisonment for a term not exceeding 15 days or by such fine and imprisonment.
- B) The continuation of an offense against the provision of this article shall constitute, for each day the offense is continued, a separate and distinct offense.