Local Law Filing New York State Department of State

41 State Street, Albany, NY, 12231

**Town of Pierrepont**

**Local Law #1 of the year 2016**

**A Local Law with regard to Dog Control**

**Be it enacted by the Town Board of the Town of Pierrepont as follows:**

ARTICLE 1. PURPOSE.

The Town Board of the Town of Pierrepont is determined that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damaged property and created nuisances within the Township. The purpose of this chapter is to protect the health, safety and well-being of the persons and property for the public peace and good order in the Town by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of other residents of the Town.

ARTICLE 2. DEFINITIONS.

When used in this chapter, unless otherwise expressly stated, the following terms shall have the following meanings:

CONFINED – Any such animal is securely confined or restrained or kept on the owners' premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premises or in any public street, way or place; or if the animal is being transported by the owner, it is securely confined in a crate or other container or so restrained in a vehicle that it cannot be expected to escape therefrom.

DOG – Any dog of either sex and of any age, unless otherwise indicated herein.

DOG CONTROL OFFICER – The person appointed by the Town Board of the Town of Pierrepont to assist in the enforcement of this chapter, and every dog seized by the Dog Control Officer shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agricultural and Markets Law of the State of New York.

OWNER – The party purchasing the original license for the dog. If the dog is not licensed, the term “owner” shall be construed to include any person who at any time owns or has custody of control of, harbors or is otherwise responsible for any dog which is kept, brought or comes within the Town. In the event that the owner of any dog which is found to be in violation of this chapter is a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog in violation of this chapter.

RUN AT LARGE – A dog shall be deemed to be “running at large” if it is elsewhere than on the premises of the owner while not under the control of the owner or his agent, and without the knowledge, consent or approval of the owner of such lands.

UNDER CONTROL – A dog shall be deemed to be “under control” when it is under either voice command or a suitable restraining device designed for that purpose.

ARTICLE 3. RESTRICTIONS.

A. No dog shall be knowingly allowed to run at large within the Town of Pierrepont.

B. No unspayed female dog in estrus shall be knowingly allowed to be outside a building or a fenced enclosure.

C. No dog shall be knowingly allowed upon the public streets or upon any public property within the Town of Pierrepont unless it is accompanied by its owner or a responsible person able to restrain and control said dog by command or by some suitable device designed and used for that purpose and unless such person accompanying said dog actually controls and restrains said dog.

D. No dogs are allowed in Postwood Park.

ARTICLE 4. NUISANCES.

No person being the owner or the agent of the owner of any dog shall knowingly allow such dog to commit any nuisance within the Town of Pierrepont or cause damage to the person or property of others. The following are declared to be public nuisances and are set forth herein for explanatory purposes only and are not to be considered as excluding other types of nuisances, and the establishment of the fact that the owner of a dog has allowed or permitted such dog to commit any of the acts hereinafter prohibited shall be presumptive evidence against the owner or harborer of such dog that he has failed to properly confine or confine said dog:

A. Engaging in loud howling or persistent barking, crying or whining or so conducting itself in such a manner as to unreasonably and persistently disturb the comfort or repose of any person other than the owner of such dog. Barking over ten (10) minutes at one time or intermittent barking for over a period of thirty (30) minutes is considered presumptive evidence of persistent barking. The Town Board of the Town of Pierrepont hereby recognizes that there may be special problems in applying this standard with regard to kennels and it is the purpose of this law to allow the Dog Control Officer to have the most latitude possible in dealing with howling or persistent barking situations involving kennels.

B. Chasing and/or barking at motor vehicles while on a public street or highway or upon public or private property other than the property of the owner or harborer of said dog.

C. Jumping upon, chasing or otherwise harassing any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

D. Being found upon the school grounds of any school within the Town of Pierrepont during the time of year when said schools are open, and between one (1) hour prior to commencement of the school day and one (1) hour after the end of the school day, or upon a playground within said Town of Pierrepont at any hour during the time of year when playground activities are conducted.

E. Running together in a pack or in any way forming a pack of dogs. For the purpose of this chapter, the work “pack” is hereby defined to mean three (3) or more dogs.

F. Defecating, urinating, digging or otherwise damaging public property or private property other than the property of said owner.

ARTICLE 5. DANGEROUS DOGS.

Dangerous dogs shall be dealt with in accordance with Article 7, Section 121 of the Agriculture and Markets Law of the State of New York.

ARTICLE 6. COMPLAINT OF VIOLATIONS, APPEARANCE TICKET, SEIZURE, FEES.

A. Any person who observes or has knowledge of a dog violating any provision of this chapter may file or register a signed complaint to the Dog Control Officer, specifying the objectionable conduct of the dog, and the name and address, if known, of the owner or other person harboring said dog.

B. Upon receipt by the Dog Control Officer of any such complaint or in the event that any dog is found by the Dog Control Officer to be in violation of any provision of this chapter, the Dog Control Officer shall, if possible, seize and take into custody said dog and in any event, as soon as circumstances will permit, issue and deliver to the owner of said dog an appearance ticket pursuant to the Law of the State of New York, detailing the violations and instructing the owner to appear before the Justice Court of the Town of Pierrepont. If said appearance ticket is disregarded by such person, the Dog Control Officer or the complainant may file an information with said Court, which Court shall then issue a warrant for the arrest of such person.

C. In the event that any dog has been seized or taken into custody by the Dog Control Officer, its owner shall be informed of the seizure and must redeem his or her dog by providing proof that the dog has been licensed. An owner shall forfeit title to any dog unredeemed after the appropriate redemption period. After that time, the dog may be adopted or euthanized. For the first offense, there will be no charge. If there is a second offense within 6 months, there will be a $20.00 fee to redeem the dog. If there is a third offense within 6 months, there will be a $60.00 fee to redeem the dog.

ARTICLE 7. PENALTIES.

Upon conviction, a violation of any of the provisions or restrictions of this chapter shall be punishable by a fine not exceeding One Hundred & 00/100 Dollars ($100.00) for a first violation. A second violation occurring within five (5) years is punishable by a fine not exceeding Two Hundred & 00/100 Dollars ($200.00). For any third and subsequent violations within a seven (7) year period of time, a fine may be imposed up to Three Hundred & 00/100 ($300.00). Any subsequent offense shall be a fine of Three Hundred & 00/100 Dollars ($300.00).

ARTICLE 8. SEVERABILITY.

Should any section or provision of this chapter be declared by the Court to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 9. REPEALER.

This chapter shall supersede all prior local laws, ordinances, rules and regulations relating to the confinement and control of dogs within the Town of Pierrepont, and any such prior ordinances, rules and regulations are hereby repealed.

ARTICLE 10. EFFECTIVE DATE.

This local law shall take effect upon its filing with the New York State Secretary of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 of 2016, of the Town of Pierrepont was duly passed by the Town Board on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, in accordance with the applicable provisions of law.

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Melanie J. Thomas, Clerk

Town of Pierrepont

(Seal) Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF NEW YORK )

) ss.:

COUNTY OF ST. LAWRENCE )

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

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Eric Gustafson

Town Attorney

Town of Pierrepont

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_