

Proposed Town of Petersburg Dog Control Law

SECTION 1. Purpose.

The Town of Petersburg, New York finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping, kenneling, or running at large of dogs and the seizure thereof within the Town.

SECTION 2. Authority.

This local law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law.

SECTION 3. Title.

The title of this law shall be "Dog Control Law of the Town of Petersburg."

SECTION 4. Definitions.

4.01. "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this law shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

4.02. "Harbor" means to provide food or shelter to any dog.

4.03. "At large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is:

(a) accompanied by and under the immediate supervision and control of the owner or other responsible person;

(b) a police work dog in use for police work; or

(c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

4.04. "Kennel" means to harbor four (4) or more dogs required being each licensed pursuant to the Agriculture and Market Law of the State of New York.

SECTION 5. Restrictions.

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Petersburg, to:

- 5.01. be at large;
- 5.02. engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person;
- 5.03. cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog;
- 5.04. chase or otherwise harass any person in such a manner to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury;
- 5.05. habitually chase or run alongside of motor vehicles or bicycles;
- 5.06. No owner of a kennel shall house, maintain, keep, or allow a dog to be within fifty (50) feet of any property line, unless such owner shall have written consent from all affected abutting property owners at the time of the establishment of the kennel within fifty (50) feet of said property line. Such consents must be filed with the Town Clerk.
- 5.07. No owner of a kennel shall house, maintain, or keep dogs, unless such dogs are confined to a building or fully enclosed structure designed to reduce noise from the dogs during such periods of time when the dog and/or dogs are not under the immediate supervision and control of the owner.

SECTION 6. Local Licensing Fees

Pursuant to the Department of Agriculture and Market's Article 7 Section 110 4.a., the Town of Petersburg hereby sets the following local fees:

- 6.01. All licenses will include a yearly local town fess of \$1.00 for spayed/neutered dogs and \$2.00 for un-spayed/un-neutered dogs, in addition to the state fees of \$2.50 for spayed/neutered dogs and \$10.50 for un-spayed/un-neutered dogs.
- 6.02. A kennel license will be required for a person to harbor four (4) or more dogs. Such license will cost twenty-five (\$25.00) dollars per year for four (4) to ten (10) dogs, and fifty (\$50.00) dollars per year for kennels exceeding 10 dogs. The un-spayed/un-neutered fee will apply to every animal that is un-spayed/un-neutered.
- 6.03. This law will also provide authorization to the Town 's contracted kennel and/or appointed DCO to issue licenses on behalf of the Town of Petersburg.
- 6.04. The town board may, by resolution, adjust local fees as necessary.

SECTION 7. Enforcement.

This local law shall be enforced by any appointed dog control officer or peace officer, when acting pursuant to his/her special duties, in the employ of or under contract to the Town of Petersburg.

SECTION 8. Seizure, Impoundment, Redemption and Adoption

- 8.01. Any dog found in violation of the provisions of Section 5 of this ordinance may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- 8.02. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.
- 8.03. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article.
- 8.04. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this section whether or not such owner chooses to redeem his or her dog. Said owner will be held responsible for the kenneling/boarding fees charged to the Town on their behalf.
- 8.05. Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

SECTION 9. Complaint

Any person who observes a dog in violation of this law may file a complaint under oath with a justice of the Town of Petersburg specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this law.

SECTION 10. Appearance Ticket

Any appointed dog control officer or peace officer, when acting pursuant to his/her special duties, in the employ of or under contract to the Town of Petersburg having reasonable cause to believe that a person has violated this law, shall issue and serve upon such person an appearance ticket for such violation.

SECTION 11. Penalties.

- 11.01. Any person convicted of a violation of this local law shall be liable to a civil penalty not exceeding \$250.00 for a first violation, not exceeding \$500.00 for a second violation, and not exceeding \$500.00 for each subsequent violation.

SECTION 12. Separability. Each separate provision of this law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 13. Repealer. This ordinance shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Petersburg and they shall be, upon the effective date of this law, null and void.

SECTION 14. Effective date. This ordinance shall take effect immediately upon filing with the Secretary of State.