

Town of Stony Creek

Local Law No #1 for the year 2010

A local law "Dog Control Law for the Town of Stony Creek"

Be it enacted by the Town Board of the Town of Stony Creek as follows:

Section 1: Purpose: the Town Board of the Town of Stony Creek finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have 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 on the keeping and running at large of dogs within the Town.

Section 2: Authority: This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59; Part T) of the Agriculture and Market Law and the Municipal Home rule Law of the State of New York.

Section 3: Title: the title of this Law shall be Dog Control Law of the Town of Stony Creek.

Section 4: Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

- (a) "Dog" means male and female, licensed and unlicensed, members of the specis canis familiaris.
- (b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to *filing* any complaint charging a violation of this *Local Law*, and is under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c) "Run at Large" means to be in a public place or on private land without knowledge, consent; and approval of the owner of such lands.
- (d) "Town" means the Town of Stony Creek.
- (e) "Dog Control Officer" a person or persons appointed by the Town for the purpose of enforcing this Local Law.

Section 5: Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (c) Uproot, dig, or otherwise damage any vegetables, lawn, flowers, garden beds, or other property without the consent or approval of the owner.
- (d) Chase, jump upon or at, or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, upon private property without the consent or approval of the owner of such property.
- (f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
- (g) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.
- (h) *Conditions for keeping dogs. All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for ages, size and number of dogs on the premises. Upon conviction of the owner or harbinger, the dogs become the property of the Town of Stony Creek to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.*

Section 6: Licensing of Dogs:

- (a) All dogs in the Town of Stony Creek must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies Vaccination at the time of licensing or the renewal of an existing license.
- (b) *Dogs licensed in another jurisdiction and are current with their vaccination for rabies will not be required to be licensed in the Town of Stony Creek, providing proof of license and vaccination is available.*
- (c) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.
- (d) Fees for Licensing of Dogs:

The fee for a spayed or neutered dog will be \$6.00, (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$18.00, (which included the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control). *Replacement Tag Fees shall be \$2.00. Such fees shall be*

reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

- (e) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or *not* renewed at the time the enumeration is conducted.
- (f) Purebred License: The Town of Stony Creek will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- (g) Service Dogs: The Town of Stony Creek will not require a license for any guide dog, service dog, hearing dog or detection dog.
- (h) The Town of Stony Creek does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of Stony Creek, where the Shelter is located for the purchase of the license for adoption purposes.
- (i) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (j) All fees will be used in funding the administration of the Dog Control Law of the Town of Stony Creek.
- (k) Fees for Seizures of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York State Department of Agriculture and Market Laws are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the town for such service. Second Offense: \$60.00 plus the impoundment and euthanasia fees per animal.

Section 7: Procedure for Seizure of Dogs; *Redemption, Disposition; Impoundment fee:*

- (a) The Dog Control Officer or any peace officer shall seize: Any unlicensed dog whether on or off the owner's premises; Any dog not wearing a tag, and not identified, and which is not on the owner's premises, and Any dog found in violation of paragraphs (a)-(h) of Section 5 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Stony Creek in such case is carried out.
  - (1) *If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days.*
  - (2) *If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven days; if notified by mail, no less than nine days.*
  - (3) *If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.*
- (b) The Dog Control Officer or peace officer observing a violation of this Law in *their* presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.

(c) Any person who observes a dog in violation of this Local Law may file a *signed* complaint under oath with the Town Justice of the Town of Stony Creek, *or the Dog Control Officer, or any peace officer* specifying the nature of the violation, *place(s) the violation occurred*, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

(d) *Record of Seizure: Upon taking custody of any animal, the Dog Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.*

Section 8: Penalties: Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 9: *Enforcement: The Dog Control Officer of the Town of Stony Creek shall, and all peace officers may, administer and enforce the provisions of this article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this article.*

Section 10: *Impeding Dog Control Officer Unlawful: No person shall hinder, resist or oppose the Dog Control Officer or peace officer authorized to administer or enforce the provisions of this Local Law in the performance of the officer's duties under this Law.*

Section 11: Separability: Each separate provision of this Local 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 12: Repealer: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Stony Creek, and shall be upon the effectiveness of this Local Law, null and void.

Section 13: Effective Date: This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_\_ for the 2010 of the Town of Stony Creek was duly passed by the Town Board on \_\_\_\_\_, 2010 in accordance with the applicable provisions of law.

(SEAL)

\_\_\_\_\_  
Susan I. Harrington, Clerk  
Town of Stony Creek

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

STATE OF NEW YORK        )  
                                  ) SS.:  
COUNTY OF WARREN        )

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.

\_\_\_\_\_  
James Cooper, Esq.  
Town Attorney  
Town of Stony Creek

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