

# RESPONSIBLE DOG OWNERSHIP LAW

Town of Tyre, Seneca County, New York

## Section 1 - TITLE

This Local Law shall be known and cited as the “Responsible Dog Ownership Law” of the Town of Tyre, Seneca County, New York.

## Section 2 - PURPOSE

The Town Board of Tyre, New York finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs can cause 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 and to preserve peace and good order in the Town by establishing certain regulations and restrictions on the activities of other residents of the Town of Tyre.

## Section 3- AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York and the Municipal Home Rule Law of New York State, and other legislative authority of the State of New York, as amended from time to time.

## Section 4- DEFINITIONS

As used in this Local Law, the following words shall have the meanings given in this section or are referenced to the most recent versions of Article 7 of the Agriculture and Markets Law of New York State.

**At Large** – A dog shall be deemed at large if it is off the premises of the owner/guardian and not under control, or a dog on private lands without the knowledge, consent and approval of the owner of such lands.

**Control** – Subject to the will and commands of the owner, guardian, and/or agent responsible for the dog.

**Dog** – A male or female member of the species *Canis familiaris*.

**Dog Control Officer (DCO)** – The person or persons appointed by the Town Board of the Town of Tyre, Seneca County for the purpose of enforcing this Local Law and Article 7 of the New York State Agriculture and Markets Law.

**Owner** – Any person entitled to claim lawful custody and possession of a dog and 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 prior to the filing of any complaint charging a violation of this Local Law, shall be held and deemed to be the owner of such dog found to be in violation of this Local Law. In the event the owner of any dog found to be in violation of this Local Law shall be under eighteen (18) years of age, 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 the said dog and violation of this Local Law.

**Property** – Means both real and personal property.

#### **Section 5 – RESTRICTIONS**

No persons owning or having charge of a dog shall allow said dog to:

- (a) Run at large unless the dog is restricted by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owners.
- (b) Commit any damage to the person or property of others.
- (c) Chase, jump upon or otherwise harass any person in such a manner as to reasonably cause intimidation or fear to such person in reasonable apprehension of bodily harm or injury.
- (d) Habitually chase, run along side of motor vehicles, motorcycles, bicycles, horse drawn vehicles, joggers, while on a public highway, road or upon private property without the consent or approval of the owner of such property.
- (e) Create a nuisance by defecation, urination or digging on public property or on private lands without the consent or approval of the owner of such property.
- (f) If a female dog when in heat, is off the owner’s premises unrestrained by a leash.
- (g) Dangerous dogs which will attack any person or domestic animal within the meaning of Article 7 of the New York State Agriculture and Markets Law.

#### **Section – 6 JURISDICTION**

Any Town Justice of the Town of Tyre shall have the jurisdiction to hear all actions and proceedings hereunder and of all prosecutions for the violation of this Local Law.

#### **Section – 7 FILING OF COMPLAINTS**

Any person, who observes a dog in violation of any acts prohibited by this Local Law, may file a signed complaint with the authorized Dog Control Officer. The complaint must specify the objectionable conduct of the dog, the date thereof, the damage caused or the acts constituting violation of the Law, and including the place or places where such conduct occurred and the name and residence, if known, of the owner or person harboring such dog. For dangerous dogs the complainant shall use forms provided by New York State Agriculture and Markets Law.

*Section – 8 APPEARANCE TICKET*

The Dog Control Officer appointed by the Tyre Town Board, when acting pursuant to his or her special duties, shall issue and serve an appearance ticket for any violation of this Local Law observed by the Dog Control Officer in his/her presence or upon the filing of a complaint by a person who observes a dog in violation of this Local Law, provided such complaint complies with Section 7 of this Local Law.

*Section – 9 DOG CONTROL OFFICER / SHELTER*

(a) The Town Board of the Town of Tyre shall appoint the Dog Control Officer who shall have the duty of enforcing this Local Law in addition to Article 7 of the Agriculture and Markets Law.

(b) Every dog seized by the Dog Control Officer shall be transported to a contracted animal shelter or returned to its owner upon proof of New York State license, rabies vaccinations and payment of the required fines.

(c) The contracted animal shelter must maintain, redeem, sell, adopt and/or euthanize all dogs in accordance with Article 7 of the Agriculture and Markets Law.

*Section – 10 SEIZURES, IMPOUNDMENT, REDEMPTION AND ADOPTION*

(a) Any dog found in violation of any of the provisions of Section 5 of this Local Law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

(b) 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.

(c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to Article 7 of the Agriculture and Markets Law and by paying the seizure and impoundment fees as set from time to time by the facility providing shelter for the seized dog and any additional fees for Veterinary care.

(d) 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/her dog.

(e) 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 & Markets Law.

*Section – 11 PENALTIES*

(a) Any person convicted of a violation of this Local Law shall be liable to a civil penalty not exceeding \$50.00 for the first violation, not exceeding \$100.00 for the second violation and not exceeding \$150.00 for each subsequent violation.

(b) Subsequent violations are violations which occur within 36 months of the date of the first violation.

(c) In the event of a continuous or ongoing circumstance which constitutes a violation of this Local Law, each day that such circumstance continues or is ongoing shall constitute a separate offense of this Local Law and may be penalized as a separate offense.

*Section – 12 NON-LIABILITY OF THE TOWN*

No action shall be maintained against the Town or any persons lawfully authorized by the Town when performing duties pursuant to this Local Law to recover the possessions or value of any dog or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or the New York State Agriculture and Markets Law.

*Section – 13 EFFECTIVE DATES*

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.