

TOWN OF STEPHENTOWN DOG CONTROL LAW

LOCAL LAW No. 2 of the YEAR 2017

A local law entitled DOG CONTROL LAW.

Be it enacted by the Town Board of the Town of STEPHENTOWN as follows:

Section 1. Purpose. The Town of Stephentown hereby determines that the public order, safety, and welfare of the Town of Stephentown requires the reasonable regulation of the manner in which dogs are kept, kenneled, and/or allowed to run at large within the Town of Stephentown.

Section 2. Title. This local law shall be known as the Dog Control Law of the Town of Stephentown.

Section 3. Definitions. As used in this Local Law, the following words are intended to include and be defined as follows:

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

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

3.3. "At large" means any dog that is unleashed and is: (a) on property open to the public; or (b) is on private property not owned by the owner of the dog; or (c) is on private property without the permission of the owner of such private property.

3.4. "Kennel" means to harbor four (4) or more dogs required to be each licensed pursuant to the New York State Agriculture and Markets Law.

3.5. All other terms not specifically defined herein are as defined in the New York State Agriculture and Markets Law.

Section 4. Violations. The following are violations of this local law:

4.1. No owner of a dog shall permit or allow a dog to be at large. No dog shall be deemed to be at large if it is: (a) accompanied by and under the direct 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 consent and permission of the owner of the land;

4.2. No owner of a dog shall permit or allow a dog to engage in habitual loud howling, barking, crying, or whining or to unreasonably and habitually annoy any person;

4.3. No owner of a dog shall permit or allow a dog to cause damage or destruction to property, or to commit a nuisance by defecating or urinating upon premises of another person without the consent of such person;

4.4. No owner of a dog shall permit or allow a dog at large to chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable expectation of bodily harm or injury;

4.5. No owner of a dog shall permit or allow a dog to habitually chase, run alongside of, or bark at motor vehicles or bicycles;

4.6. 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 the 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 may be filed with the Town Clerk.

4.7. 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 period of time: (a) when the dog and/or dogs are not under the immediate supervision and control of the owner; or (b) when the dog and/or dogs are in a fenced run or walkway between the hours of 8:00 a.m. and 6 :00 p .m, provided that such run or walkway is screened by trees, shrub, or solid fencing designed to reduce noise from the dogs and screen the run or walkway from an abutting property.

4.8 All other provisions of the New York State Agriculture and Markets Law as to required and/or prohibited conduct are incorporated herein with full force and effect.

Section 5. Enforcement/Duties of Animal/Dog Control Officer. This local law and the Town Dog Licensure Law may be enforced by any animal/dog control officer, peace officer acting pursuant to special duties, or police officer.

5.1 Any person who observes a dog, or owner of a kennel, in violation of this local law may file a written complaint under oath with the Town Animal Control Officer or the Town Justice of the Peace of the Town of Stephentown, setting forth and specifying the nature of the violation, the date and time thereof, a description of the dog, and the name and residence, if known, of the owner of such dog or the owner of the kennel. Such complaint may serve as the basis for enforcement of the provisions of this local law.

5.2. An Animal Control Officer, which shall be deemed to include all references to Dog Control Officer for purposes of this and all other Town local laws, shall be designated by the Town Board as provided in section 113 of the Agriculture and Markets Law. Any prior appointments to said position are continued until the end of the appointed term.

5.3 The Animal Control Officer, the Town Constable and any peace officer acting pursuant to special duties or any police officer, may enforce the provisions of this local law and the Town's Dog Licensure Law and may also investigate and report to the Town Justice any dangerous dog, as described in section 123 of the Agriculture and Markets Law, and see that all orders of the Town Justice or any other lawful orders are carried out and make regular visits to any place where animals are being housed by or on behalf of the Town to ascertain if all housed animals are receiving the necessary care and sustenance and work with law enforcement, as necessary, to obtain all necessary warrants. The Animal Control Officer may issue any process, including an appearance ticket, a summons, a uniform appearance ticket and a uniform appearance ticket and simplified information, as provided in section one hundred thirteen of article 7 of the Agriculture and Markets Law, related to any proceeding, whether civil or criminal in nature undertaken in accordance with the Agriculture and Markets Law and/or any Town local law or ordinance.

5.4 The Animal Control Officer shall keep the Town Board, through its designee, apprised of the progress and compliance with all outstanding warrants and securities for impoundments in writing on a monthly basis to be supplied for the Town Board meeting and shall also have all powers and duties as set forth in the Agriculture and Markets Law and in this or any other local law governing or affecting animals in the town.

Section 6. Seizure, Impoundment, Redemption and Adoption.

6.1. Any dog found in violation of this local Law or any other local law enacted by the Town may be seized pursuant to the provisions of the Agriculture and Markets Law of the State of New York.

6.2. Every dog seized pursuant to this local law shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in the Agriculture and Markets Law of the State of New York.

6.3. Every dog seized pursuant to this local Law may be redeemed by production of a license and identification pursuant to Article 7 of the Agriculture and Markets Law of the State of New York and by payment of the impoundment fees set forth in Section

118 of said Article or as otherwise set forth herein.

6.4. The impoundment fees set forth in Section 6.03 of this Local Law are due and payable whether or not the owner of such dog chooses to redeem such dog.

6.5. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of the Agriculture and Markets Law of the State of New York.

Section 7. Penalties. Any person convicted of a violation of this local law shall be deemed to have committed a violation and shall be subject to a fine of not more than two hundred and fifty (\$250.00) dollars, or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment for each such violation.

Section 8. Severability. 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 9. Repealer. In the event that any other local law or ordinance relative to the control of dogs within the Town of Stephentown shall conflict with this local law, to the extent of such conflict, such other local law or ordinance shall be deemed repealed, null and void. Nothing contained herein shall be deemed to limit the powers afforded by the Agriculture and Markets Law to the Town, its agents, designees and all other persons vested with the powers as set forth herein.

Section 10. Effective Date. This local law shall take effect immediately upon its filing with the Secretary of State.