

1 of 1979

A Local Law Entitled "Dog Control Law of the Village of Wellsville"

adopted:

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK AS FOLLOWS:

SECTION 1. TITLE

The title of this Local Law shall be, "Dog Control Law of the Village of Wellsville."

SECTION 2 PURPOSE

The Village Board of the Village of Wellsville 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 created nuisances within the Village. 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 Village.

SECTION 3 DEFINITION OF TERMS

As used in this Local Law, the following words shall have the following respective meanings:

(a) Confined. That such animal is securely confined or restrained and kept on the owner's 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 on any public street, way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

(b) Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

(c) Dog Control Officer. Any person authorized by the Village Board, to enforce the provisions of this Local Law or the provisions of the Agriculture and Markets Law. A person may also be authorized by the Village Board as Assistant Dog Control Officer.

(d) Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York, in effect, as of the effective date of this Local Law, as amended by this Local Law, and as amended thereafter.

(e) Owner. The party purchasing the license, unless dog is or has been lost, and such loss reported to the dog control officer and reasonable search has been made. If an animal is not licensed, the term of 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 animal which is kept, brought or comes within the Village. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this law, shall be held and deemed to be the owner of such dog for the purpose of the Local Law. In the event any dog found to be in violation of this chapter shall be owned by a minor, under the age of eighteen (18) years, 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.

(f) Recreational Areas. Recreational areas shall mean any real property owned by the Village of Wellsville, which is used for recreational purposes by the public, including, but not limited to, parks or playgrounds.

(g) Run at large. Run at large shall mean to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

(h) School Premises. Any real property situated within the Village of Wellsville, which is used for educational purposes or purposes incidental thereto.

(i) Village. Shall designate the area within the corporate limits of the Village of Wellsville.

SECTION 4 RESTRICTIONS

It shall be unlawful for any owner of any dog in the Village of Wellsville to permit or allow such dog to:

(a) Run at large unless the dog is restrained by an adequate leash, not exceeding eight (8) feet in length or unless it is accompanied by its owner or a responsible person able to control it by command.

(b) Engage in habitual loud howling, barking, crying, or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

(d) Chase, jump upon or at, or otherwise harass 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.

(e) Habitually chase, run alongside of or bark at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harbinger of said dog.

(f) Create a nuisance by defecating, urinating or digging on public property or private property other than property of said owner.

(g) No dog, whether leashed or unleashed, shall be in any restaurant, grocery or commercial establishment which sells food for human consumption, or in any cemetery. This prohibition shall not apply to a seeing-eye dog accompanying a blind person.

(h) No person who owns a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.

(i) Be at large on any school premises, or the sidewalks adjacent thereof, unless said dog is on leash or said dog is accompanied by its owner or a responsible person able to control it by command.

(j) Be at large on any recreational or park areas, unless said dog is on a leash or said dog is accompanied

by its owner or a responsible person able to control it by command. No dog shall be allowed to disturb the users of the recreational or park areas, nor shall any dog interfere with the rights of the patrons using the park or recreational area. The owner or responsible person of said dog shall be responsible for promptly removing all solid dog waste excretion from the recreational or park grounds and depositing same in a plastic bag tightly secured, and said waste material must be either removed from the area or deposited in a refuse can.

(k) Leave the owner's premises when female dog is in heat. Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section 5 of this Local Law shall be presumptive evidence against the owner or harborer of such dog that he or she has failed to properly leash or control his dog.

SECTION 5 ENFORCEMENT

This Local Law shall be enforced by the Dog Control Officer, Assistant Dog Control Office, by any Village Police Officer, by any peace officer or by any person having jurisdiction under the Agriculture and Markets Law.

SECTION 6 SEIZURE OF DOGS

Any dog found running at large in violation of Section 4 of this Local Law may be seized by any Dog Control Officer, Assistant Dog Control Officer, Village Police Officer, peace officer or other designated representative of the Commissioner of Agriculture and Markets of the State of New York, exercising such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such dog, shall be impounded and disposed of in accordance with the provisions of Article 7 or other applicable provisions of the Agriculture and Markets Law.

SECTION 7 REDEMPTION OF SEIZED DOGS AND REDEMPTION FEES

(a) Every dog seized shall be properly fed and cared for until disposition thereof be made as herein provided. The redemption of a seized dog shall be in conformance

with and pursuant to the provisions of the Agriculture and Markets Law of the State of New York, both as to licensed and unlicensed dogs.

(b) In the event that the dog seized bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and shall immediately notify such owner personally, or an adult member of his family. If owner is unable to be contacted personally, written notice will be sent by certified mail, stating that said dog had been seized and that the dog will be destroyed unless redeemed within the period hereinafter provided.

(c) If notification is given to owner personally, the dog will be held for five (5) days. If notice is given by certified mail, the dog will be held for a period of twelve (12) days from the date of the mailing.

(d) The owner of a dog seized may redeem the dog within the time period stated in Section 9 by paying the Town Clerk the redemption fee as scheduled:

- \$10 for the first impoundment and \$3.00 for each additional 24 hour period (or part thereof);
- \$20 for the first 24 hours of the second impoundment (within one year of the first impoundment) and \$3.00 for each additional 24 hour period (or part thereof);
- \$30 for the first 24 hours of the third and all subsequent impoundments (within one year) and \$3.00 for each additional 24 hour period (or part thereof).

(e) If the owner fails to claim the dog by the expiration of the redemption period, the dog shall then be made available for adoption or disposed. If the dog is not redeemed within the above periods of time and the dog is adopted or disposed of, the owner shall still be liable and must pay the redemption fees, including the day of disposition.

(f) No action shall be maintained against the Village of Wellsville, any duly designated Dog Control Officer, or any other agent or officer of the Village, to recover the possession 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.

(g) The Dog Control Officer is hereby authorized to dispose of any dog seized after the date of redemption has expired. If the dog is adopted, the new owner must pay the Town Clerk a reasonable purchase price in addition to the licensing fees.

SECTION 8 COMPLAINTS

Any person who observes a dog in violation of this Local Law may file a complaint with the Dog Control Officer, 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 the dog. All complaints shall be investigated, and it shall be the duty of the Dog Control Officer to proceed with civil or criminal enforcement of this Local Law or any other provision of law pertaining thereto.

SECTION 9 PENALTIES

A conviction under this Local Law shall be deemed a violation punishable by:

- (a) Civil penalties of not more than \$25. for a first offense, and \$50. for all subsequent offenses, or
- (b) A fine not to exceed \$25., or imprisonment not to exceed 10 days, or both such fine and imprisonment.

SECTION 10 SEPARABILITY

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

SECTION 11

Chapter 8 of the Ordinances of the Village of Wellsville relating to the control of dogs is hereby repealed.

SECTION 12 EFFECTIVE DATE

This Local Law shall take effect immediately.