

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

XXXXX
County of Rose
Town of
Village of
Local Law No. 1 of the year 19 .. 91

A local law Dog Control Local Law of the Town of Rose
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

XXXXXX
Town of Rose as follows:
XXXXXX

Section 1. Purpose. The Town of Rose, 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 of dogs and the running at large of dogs, and by authorizing the seizure thereof with 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 Local Law shall be Dog Control Local Law of the Town of Rose.

Section 4. Definitions.

(a) OWNER means any person or persons who harbors or keeps any dog. In the event any dog found in violations of this Local Law shall be owned by a person under eighteen years of age, the owner shall be deemed to be parent or guardian of such person (or head of the household in which said person resides).

(b) HARBOR means to provide food and/or shelter to any dog.

(c) AT LARGE means any dog that is unleashed and on public property or is on private property (without the consent of the owner or lessee). No dog shall be deemed to be at large if it is: (1) accompanied by and under the immediate supervision and control of the owner or other responsible person; (2) a police work dog in use for police work; or (3) 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.

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

(a) be at large;

(b) engage in such howling, barking, crying or whining as to annoy a reasonable person, and which does annoy another person;

(If additional space is needed, please attach sheets of the same size as this and number each)

(c) cause damage or destruction to property, or another without such person's consent or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog, without such person's consent;

(d) chase or otherwise harass any person, in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or

(e) habitually chase, run along side of or bark at motor vehicles or bicycles, lawfully using a public way.

It shall be an affirmative defense that such conduct occurred within a dwelling or was caused by the action or omissions of the complainant, a proceeding shall be brought for excessive noise only when the dog control officer has personally heard such noise for a period in excess of 20 minutes.

Section 6. ENFORCEMENT. This Local Law shall be enforced by any town dog control officer, peace officer, when acting pursuant to his special duties, or police officer.

Section 7. SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION.

(a) any dog found in violation 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 (5 days).

(c) 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 by paying the impoundment fees set forth in Section 118 of said Article.

(d) If the owner of any redeemed 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 dog.

(e) Any dog unredeemed at the expiration of the appropriate redemption period of 5 days shall be made available for adoption or euthanized pursuant to the provisions of section 118 of the Agriculture and Markets Law.

Section 8. COMPLAINT. Except as otherwise provided herein any person who observes a dog in violation of this Local Law may file a complaint under oath with the justice of the Town of Rose specifying the nature of the violation, the date thereof, a description of the dog and the name of the residence, if known, of the owner of the such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.

Section 9. PENALTIES.

(a) any person convicted of a violation of this Local Law shall be liable to civil penalty not exceeding \$50.00 for a first violation, not exceeding \$100.00 for a second violation and not exceeding \$250.00 for a third subsequent violation.

Section 10. 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 shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 11. REPEALER. Except the licensing ordinance, this Local Law shall supercede all prior Local Laws, Ordinances, Rules and regulations relative to the control of dogs within the Town of Rose and they shall be, upon effective date of this Local Law, null and void.

Section 12. EFFECTIVE DATE. The Local Law shall take effect immediately upon filing with the Secretary of State.