

Local Law Filing

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

Town of Schodack

Local Law No. P1 of the year 2007

A local law to amend Chapter 109, Dogs, of the Code of the Town of Schodack by deleting and repealing Article I, Control of Dogs and Running at Large, and replacing it with a new Article I, Dog Control Law of the Town of Schodack.

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

A local law.

SECTION 1.

The Code of the Town of Schodack is hereby amended by deleting and repealing Article I of Chapter 109, Dogs.

SECTION 2.

The Code of the Town of Schodack is hereby amended by adding thereto a new article, to replace Article I, Dog Control Law of the Town of Schodack.

- § 1. Purpose.
- § 2. Statutory Authority
- § 3. Title
- § 4. Definitions
- § 5. Restrictions.
- § 6. Presumptions.
- § 7. Seizure, impoundment and redemptions.
- § 8. Complaints.
- § 9. Penalties for offenses.
- § 10. Interference with Officers.

1. Purpose.

The Town Board finds that the uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and nuisances within the town. The purpose of this Local Law is to protect the health, safety and well-being of the persons and property.

2. Statutory Authority.

The Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law.

3. Title.

The title of this Article shall be "Dog Control Law of the Town of Schodack."

4. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

DOGS – Includes male and female, licensed and unlicensed member of the species *Canis familiaris*.

OWNER – Any person who harbors or keeps a dog. In the event that any dog found in violation of this Local Law is found to be owned by a person under eighteen (18) 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. Any person harboring a dog for a period of one (1) week 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 for the purposes of this Local Law.

RUN AT LARGE – To be unrestrained in a public place or on land other than that of the owner.

5. Restrictions.

A. No person shall permit any dog to run at large. The owner or person having the dog in possession shall maintain the dog under control and on a leash, which shall not be in excess of twelve (12) feet in length,

B. All dogs shall be confined to the property of the owner or the person having the dog in possession, except that such dog shall be allowed off the property of such person if held on a leash not in excess of twelve (12) feet in length.

C. The owner or person having the dog in possession shall remove and properly dispose of any and all fecal matter or other waste of his/her dog, whether on public property or private property other than that of owner.

D. No person shall keep or harbor any dog that howls or barks continuously for thirty (30) minutes.

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

F. No person shall permit any dog to cause any damage to any property or destroy or deface such property within the town. It shall be considered property damage for a dog to dig holes on improved real property, including but not limited to lawn, gardens, shrubs and ornamental flowers, or to destroy or tear, chew or scratch any personal property other than that of the owner.

G. No person shall drop any dog within the geographical limits of the Town of Schodack and leave the same unattended.

H. All dogs shall be prohibited from running at large in the Schodack Town Park at all times. The owner or the person having the dog in possession shall maintain the dog under control and on a leash, which shall not be in excess of six (6) feet in length.

6. Presumption.

Establishment of the fact or facts that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by this Local Law shall be presumptive evidence against the owner or person harboring such dog that he or she has failed to properly confine or control the dog.

7. Seizure, impoundment and redemptions.

A. Any dog found in violation of the provisions of this Local Law may be seized pursuant to the provisions of § 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 § 118 of the Agriculture and Markets Law.

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 and by paying the impoundment fees set forth in § 118 of said Article 7.

D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Paragraph C of § 7 of the this Local Law in addition to the penalties imposed by this Local Law, whether or not such owner chooses to redeem his or 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 § 118 of the Agriculture and Markets Law.

8. Complaints.

Any person upon whose property a violation of this Local Law occurs or who is aggrieved by any prohibited activity by any dog under this Local Law, or any Dog Control Officer or Animal Control Officer, peace officer or member of the Rensselaer County Sheriff or Schodack Police or New York State Police forces in whose presence a violation of this Local Law occurs, may file a complaint under oath with a Justice of the Town of Schodack specifying the nature of the violation, the date thereof, a description of the name and residence, if known, of the owner of the dog. Said Justice shall order a hearing to be held after giving due notice to the complainant and to the owner of the dog. Such complaint may serve as the basis of enforcing the provisions of this Local Law.

9. Penalties for offenses.

Any person who violation any provision of this Local Law shall, upon conviction thereof, be subject to the following fines:

- A. First violation: Written warning only.
- B. Second violation: Fine not to exceed Fifty Dollars (\$50.00) per dog per violation.
- C. Third violation: Fine not to exceed One Hundred Dollars (\$100.00) per dog per violation.
- D. Fourth and subsequent violation: Fine not to exceed Twenty-five (\$25.00) per dog per violation or to imprisonment for a term not to exceed fifteen (15) days, or both. Dogs shall be removed from possession of the owner or person having possession thereof, and impounded in accordance with this Local Law.

For purposes of determining a violation of this Local Law, each incident of a dog running at large, without regard to whether such incident occurs on the same day as other such incidents, shall be a separate violation of this Local Law.

The Town may also maintain an action or proceeding, in a court of competent jurisdiction, to compel compliance or to restrain by injunction any violation of this article, and these remedies shall be in addition to penalties otherwise prescribed by law.

10. Interference with Officers.

Any person who shall interfere with or obstruct any Dog Control Officer, Animal Control Officer, police officer and any officer or agent of any duly incorporated society for the prevention of cruelty to animals shall be guilty of a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than One Thousand Dollars (\$1,000) or both.

SECTION 3. Severability.

The provision of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 4. Effective Date.

This Local Law shall become effective upon filing in the Office of the Secretary of State.