

**TOWN OF DANBY
LOCAL LAW NO. 1 OF THE YEAR 1984**

A LOCAL LAW REGULATING AND CONTROLLING THE ACTIVITIES OF DOGS IN THE TOWN OF DANBY, TO BE KNOWN AS THE “DOG CONTROL LAW” AND SUPERSEDES LOCAL LAW NUMBER 1 OF THE YEAR 1976.

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

SECTION 1

PURPOSE: The purpose of this law is to promote the public health, safety, and welfare of the community, including the protection and preservation of the property of residents of the Town and its inhabitants, and of the peace and good order therein by regulating and controlling activities of dogs within the Town of Danby and providing for enforcement thereof.

SECTION 2

PROHIBITED ACTS: Any owner of a dog or any other person who harbors or is custodian of any dog in the Town of Danby shall be in violation of this law if such dog:

A. Is not restrained by an adequate collar and leash when not on the property of the owner or any other person harboring or having custody or control of the dog, or is not accompanied by and in the actual control of its owner or any other person harboring or having custody of the dog.

B. Engages in such habitual or continued barking, howling or whining so as to cause a person's rest to be broken, his sleep to be interrupted or the reasonable use or enjoyment of his home or property to be otherwise interfered with, disturbed or diminished or that causes a person to otherwise harassed , annoyed or disturbed.

C. Causes damage or destruction to property, or defecates, urinates, or otherwise commits a nuisance other than on the premises of the person owning or harboring such dog.

D. When not on the premises of the person owning or harboring such dog, chases or otherwise harasses any person in such a manner as reasonable apprehension of bodily harm or injury.

E. Except when it is on the premises of the owner, or other person harboring or having custody of the dog, where it is usually harbored, chases, barks at, leaps on, or otherwise attacks any (i) bicycle, motorcycle, motorwagon, carriage, or any other vehicle or device used by persons for travel or as a conveyance, or any riders or occupants thereof, or (ii) horse, including any rider thereon, or any other animal.

F. Is unlicensed when six (in NYS it is now four(4) months) of age or older.

G. Is not wearing a current valid New York State dog license identification tag while at

large, whether or not restrained by an adequate collar and leash.

H. Is not redeemed after notice of seizure is given to the owner within (7) seven days of such seizure.

SECTION 3

ENFORCEMENT: The dog control officer of the Town of Danby, or any other person or persons who are or may be lawfully authorized by the Town shall, and all peace officers may, administer and enforce the provisions of this law, and for such purpose shall have the authority to issue appearance tickets and/or, when authorized by law, to seize dogs, either on or off the premises of the owner or person harboring such dog, if witnessed by any of the aforesaid persons or officers to be in violation of this law.

SECTION 4

FILING OF COMPLAINTS: Any person who observes a dog in violation of any acts prohibited by this law may file a signed complaint, under oath with a Town Justice of the town of Danby, or with the authorized dog control officer, or with any peace officer, specifying the objectionable conduct of the dog, the date thereof, the damage caused, or the acts constituting violation of this law, and including the place or places where such conduct occurred and the name and residence, if known, of the owner or other person harboring such dog. Upon receipt of such a complaint, the authorized dog control officer or peace officer receiving such complaint shall transmit same to the Town Justice.

Upon receipt by the Town Justice of such a complaint against the conduct of or acts by any particular dog, or the owner thereof or other person harboring such dog, the Town Justice may issue a written summons directing the alleged owner or other person harboring said dog to appear in person before him; if such person does not appear, the Town Justice may issue a warrant for the arrest of said person based upon any complaint or information previously filed.

SECTION 5

MINOR OWNER: RESPONSIBILITY OF HEAD OF HOUSEHOLD: If any dog in violation of this law is owned by a person under 18 years of age, the head of the household in which said person resides shall be deemed to be the owner or person harboring such dog and shall be responsible for the acts of said dog for purposes of this law.

SECTION 6

PRESUMPTION: The fact that the dog is in violation of any of the provisions of this law shall be presumptive evidence that the dog has been permitted to be in violation with the knowledge of the owner or person harboring the dog.

SECTION 7

PUBLIC COOPERATION: No person shall intentionally hinder, resist, or oppose the authorized dog control officer, peace officer, or other person authorized to administer or enforce the provisions of this law in the performance of his duties under this law.

SECTION 8

PENALTIES:

(1) A violation of this law shall constitute a violation as the same as defined in the Penal Law of the State of New York, and shall be punishable by a penalty of not more than \$25.00 for the first violation, not more than \$50.00 for the second violation, and not more than \$75.00 for the third and all subsequent violations or by imprisonment for a term not to exceed five days for each violation. These penalties shall be in addition to any other penalties provided by law.

(2) Redemption fees: or other fees, charged as a result of the seizure or impounding of any dog shall not be deemed a part of the penalties set forth above.

SECTION 9

FEES: State mandatory minimum fees apply for spayed and unspayed dogs,

Adoption fees: Any dog not redeemed within seven (7) days after seizure, with notice of such seizure having been promptly given to the owner, if such notice is possible, will be available for adoption for a fee of \$10.00.

SECTION 10

REPEAL: Local Law Number 1 of the year 1976 is hereby superseded effective on the effective date of this local law.

SECTION 11

VALIDITY: If any section, paragraph, subdivision, clause, phrase, or provision of this law shall be judged invalid or held unconstitutional, it shall not affect the validity of this law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 12

EFFECTIVE DATE: This law shall take effect immediately.

Adopted by the Town Board: September 10, 1984