

**Local Law Filing**

(Use this form to file a local law with the Secretary of State)

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.

**TOWN OF CHARLOTTE**

Local Law No.1 of 2019 entitled "A Local Law relating to the Control of Dogs in the Town of Charlotte"

BE IT ENACTED by the Town Board, Town of Charlotte as follows:

**Section 1. PURPOSE AND INTENT**

The Town Board of the Town of Charlotte has determined that uncontrolled behavior of licensed and unlicensed dogs in the Town may result in physical harm to persons and damage to property, as well as creating nuisances and annoyances within the Town. The purpose of this Local Law is to protect the health, safety and well-being of the Town residents and their property, as well as other persons attending within the Town, by imposing restrictions upon the keeping and running at large of dogs within the Town.

**Section 2. DEFINITION OF TERMS**

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

- (a) **DOG CONTROL OFFICER:** Any individual appointed by the Town of Charlotte to assist in the enforcement of this Local Law and Article 7 of the New York Agriculture and Markets Law, or any authorized officer, agent or employee of an incorporated Humane Society or similar incorporated animal protection association under contract with the Town of Charlotte to assist in the enforcement of this Local Law and Article 7 of the Agriculture and Markets Law of the State of New York.
- (b) **OWNER:** Any person who owns, keeps, harbors, or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.
- (c) **AT LARGE:** This term shall mean off the premises of the owner.

**Section 3.****REGULATIONS AND RESTRICTIONS**

- (a) **RUNNING AT LARGE:** No dog shall be permitted to be at large or allowed to run at large within the Town of Charlotte, excepting that a dog duly licensed, as required by Article 7 of the Agriculture and Markets Law of the State of New York, may be upon a public way or public recreation area provided that such dog is leashed by a leash not exceeding eight (8) feet in length, and is then and there under the custody and control of the owner or other competent person accompanying the dog.
- (b) **DAMAGE OR INJURY TO PERSONS OR PROPERTY** No person who owns or has control of a dog shall permit or suffer such dog to damage or destroy property of any kind belonging to another person, to attack or bite any person peacefully conducting himself or herself in any place where such person may lawfully be, or to attack, chase, injure, threaten or kill any person, or any domestic animal of another person when such animal is in any place where it may lawfully be. For the purposes of this law, when any dog is at large, contrary to the provisions herein, and commits any such acts, the owner of the dog shall be deemed to have permitted the dog to have committed such acts.
- (c) **NOISE:** No person shall keep, or permit to be kept, on the premises of the owner or person having control of such dog, any dog which by its continual barking, howling, whining, or other frequent or long-continued noise shall unreasonably disturb the comfort or repose of any other person.
- (d) **NUISANCES:** No person who owns or has control of a dog shall permit or suffer such dog to create a nuisance by defecating, urinating, digging, or depositing waste, on public property or on private property, without the consent of the owner of the property.
- (e) **HUNTING EXCEPTIONS:** This law shall not apply to dogs under the supervision of the owner while actively engaged in hunting.

**SECTION 4****DANGEROUS DOGS**

The owner of any dog which has attacked or injured another person or animal shall, pursuant to section 123 of the Agriculture and Markets Law of the State of New York, not there after permit such dog to be at any place other than securely confined to the premises of the owner, unless such dog is securely fitted with a properly-fitting muzzle of a type which shall not permit such dog to bite or threaten another person or animal.

**SECTION 5.      SEIZURE, REDEMPTION AND DISPOSITION OF DOGS.**

The dog control officer or any police officer may seize any dog found to be in violation of this Local Law, or in violation of the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, and such dog shall be impounded, redeemed, euthanasia, or sold as provided in section 118 of the Agriculture and Markets Law of the State of New York, and the owner of such dog shall pay all of the costs of seizure and impoundment as provided there

**SECTION 6.      PENALTIES FOR OFFENSES**

Any violation of this Local Law shall be deemed an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00), or by confinement in jail not exceeding fifteen (15) days, or by both such fine and imprisonment.

**SECTION 7.      SWORN STATEMENT**

Any alleged violation of this law not actually observed by the Dog Control Officer shall require the filing of a sworn written statement with the Dog Control Officer within thirty (30) days of the alleged violation. The written statement shall be made by the witness who observed the alleged violation attesting to the facts of the alleged violation under penalty of perjury. The Dog Control Officer shall not act upon said alleged violation unless the sworn statement is filed.

**SECTION 8.      ENFORCEMENT**

The dog control officer is hereby charged with the duty of enforcing this Local Law, and shall be authorized to issue such process as is necessary to bring violators before the Court.

**SECTION 9.      EFFECTIVE DATE AND REPEAL OF PREVIOUS ORDINANCE**

This Local Law shall take effect immediately upon filing with the Secretary of State.