

(Please Use this Form for Filing your 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.

~~County~~

~~City~~

of

MACHIAS

~~Town~~

~~Village~~

Local Law No. 1 of the year 19 87....

A local law entitled " DOG CONTROL LAW OF THE TOWN OF MACHIAS"
(Insert title)

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

~~County~~

~~City~~

of

MACHIAS

as follows:

~~Town~~

~~Village~~

Section 1. Purpose. The Town Board of the Town of Machias finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have 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 on the keeping and running at large of dogs within the Town.

Section 2. Authority. This local law is enacted pursuant to the provisions of Article Seven of the Agricultural and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3. Title. The title of this law shall be, "Dog Control Law of the Town of Machias".

Section 4. Definintion of terms. As used in this local law, the following words shall have the following respective meanings:

(a) Dog means male and female, licensed and unlicensed, members of the species Canis Familiaris.

(b) Owner means person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed the term 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 or, harbors, or is otherwise responsible for any dog which is kept, bought or comes within the town. Any person owning or harboring a dog

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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 purpose of this local law. In the event the owner of any dog found to be in violation of this chapter shall be under eighteen years of age, 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.

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

(d) Town means the Town of Machias.

(e) Dog Control Officer means any individual appointed by the Town to assist in the enforcement of this local law or any authorized officer, agent, or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town to assist in the enforcement of this article.

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

(a) Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the local law, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.

(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.

(c) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.

(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, motorcycles or bicycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property.

(f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

(g) If a female dog when in heat, be off the owner's premises unrestrained by a leash.

Section 6. Dog Control Officer. The Town Board, in order to enforce this local law, is hereby empowered to appoint one or more Dog Control Officers. The Town Board may, from time to time, set the compensation for such a Dog Control Officer or, if the Town shall contract for Dog Control Officer's services with any other municipality or with any incorporated humane society or similar incorporated dog protective association, or shall appoint, jointly with one or more other municipalities, one or more Dog Control Officers having jurisdiction in each of the cooperating municipalities,

then the Town Board may from time to time, negotiate with such contracting agencies for such services.

Section 7. Each and every Dog Control Officer appointed pursuant to this local law shall:

(a) Have all the powers of a peace officer in enforcing the provisions of this local law.

(b) May serve any process related to any proceeding, whether criminal or civil in nature and including an appearance ticket.

(c) Shall promptly make and maintain a complete record of any seizure and subsequent disposition of any dog, which record shall include, but not be limited to, a description of the dog, date and hour of seizure, the official identification number of such dog, if any, the location where seized, the reason for seizure, and the owner's name and address, if known.

(d) Shall file and maintain, in the manner prescribed by the Commissioner of Agriculture and Markets, such records as may be required by the Agriculture and Markets Law and shall make such reports to the Commissioner as may be required thereby.

(e) Shall ascertain and list the names of all persons in the municipality owning or harboring dogs.

(f) Shall have all the other powers and duties of a Dog Control Officer as provided for in Article 7 of the Agriculture and Markets Law of the State of New York.

Section 8. Seizure of Dogs and Enforcement.

(a) Any Dog Control Officer or Peace Officer of the Town of Machias or under contract to the Town of Machias shall seize:

(1) Any dog which is not identified and which is not on the owner's premises; and

(2) Any dog which is not licensed, whether on or off the owner's premises.

(b) Any Dog Control Officer or Peace Officer of the Town of Machias or under contract to the Town of Machias may seize any dog in violation of this local law relating to the control of dogs.

(c) Any Dog Control Officer or Peace Officer in the employ of the Town of Machias or under contract to the Town of Machias shall exercise such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such dog. Such dog shall be impounded and disposed of in accord with the provisions of the Agriculture and Markets Law.

(d) Each dog seized in accordance with the provisions of this local law shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

(e) Each dog which is not indentified, whether or not licensed shall be held for a period of five (5) days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been indentified pursuant to the provisions of this Section and further provided that the owner pays the following impoundments fees:

(1) ²⁵ ~~\$15.00~~ for the first impoundment of any dog owned by that person; and in addition thereto, three dollars (\$3.00) per day for each day or fraction thereof that the dog is impounded.

(2) \$20.00 for the first 24 hours or part thereof and \$3.00 for each additional 24 hours or part thereof for the second impoundment within one year of the first impoundment of any dog owned by that person; or

(3) \$30.00 for the first 24 hours or part thereof and \$3.00 for each additional 24 hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment of any dog owned by that person.

(f) The Dog Warden or Peace Officer may also investigate and report to a Town Justice of the Town any dangerous dog as described in Article 7 of the Agriculture and Markets Law, and see that the order of the Town Justice in such case is carried out.

(g) The Dog Warden or Peace Officer having reasonable cause to believe that a person has violated this local law shall issue and serve upon such person an appearance ticket for such violation.

(h) Any person who observes a dog in violation of this local law may file a complaint under oath with a Town Justice of the Town 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 such dog. Such complaint may serve as the basis for enforcing the provisions of this local law.

Section 9. Notification of Seizure. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner. In either case the owner may redeem such dog upon payment of the impoundment fee prescribed by Section 8 and by producing proof that the dog has been licensed.

Section 10. Forfeiture of Title to Dog. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available

for adoption or euthanized. Provided that no such dog shall be delivered for adoption unless it has been licensed pursuant to the provisions of this article prior to its release from the custody of a pound or shelter.

- Section 11. Seizure of any dog shall not relieve any person from any violation provided for by this local law. No liability in damages or otherwise shall be incurred on account of seizure, euthanization or adoption of any dog pursuant to the provisions of this local law of the Agriculture and Markets Law.
- Section 12. Penalties. Any person convicted of a violation of this local law shall be liable to a civil penalty of not more than \$25.00, except that (a) when the person was found to have violated this Section or former Article 7 of this chapter within the preceding five years the civil penalty may be not more than \$50.00 and (b) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not more than \$100.00.
- Section 13. 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 hereof shall remain valid and enforceable.
- Section 14. Repealer. This local law shall supercede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Machias and they shall be, upon the effectiveness of this local law, null and void.
- Section 15. This law shall take effect immediately upon filing in the office of the Secretary of State.