

TOWN OF ELICOTTVILLE
LOCAL LAW NO. 1 OF THE YEAR 1991

A LOCAL LAW RELATING TO THE CONTROL,
CONFINING AND LEASHING OF DOGS.

Be it enacted by the Board of Trustees of the Town of Ellicottville as follows:

Section 1. Purpose:

The Town Board of the Town of Ellicottville 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 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 agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3. Title:

The title of this local law shall be "Dog Control Law of the Town of Ellicottville".

Section 4. Definition 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 warden 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 of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or 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 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 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 Ellicottville.
- e) Dog Warden means a dog control officer on or after January 1, 1987, whether such dog control officer is appointed by the Town of Ellicottville or is appointed by another municipality under contract to enforce the terms of this local law for the Town of Ellicottville.

Section 4. 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 an adequate leash restrains the dog or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person.
- 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 reasonable 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. Seizure of Dogs:

The procedure and impoundment of dogs in violation of Article 7 of the agriculture and Markets Law and of Section 5 of the local law are as follows:

- a) The dog warden or any peace officer shall seize (1) any unlicensed dog whether on or off the owner's premises, (2) any dog not wearing a tag, and after January 1, 1987, not identified, and which is not on the owner's premises and (3) any dog found in violation of Section 5 of this local law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law. The dog warden or peace officer may also investigate and report to the Town Justice of the Town of Ellicottville 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.
- b) The dog warden or a 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.
- c) Any person who observes a dog in violation of this local law may file a complaint under oath with the Town Justice of the Town of Ellicottville 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 7. Penalties:

Any person convicted of a violation of this local law shall be deemed to have committed a violation and shall be subject to a fine not exceeding \$250.00 or subject to imprisonment for a period not exceeding fifteen (15) days.

Section 8. 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 9. Repealed:

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Ellicottville and they shall be, upon the effectiveness of this local law, null and void

Section 10. Effective Date:

This local law shall take effect immediately.