

(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.

County

City

Town

Village

of MARGARETVILLE

Local Law No. 3 of the year 2003

A local law RELATING TO THE CONTROL AND CONFINING AND LEASHING OF DOGS
(Insert Title)

IN THE VILLAGE OF MARGARETVILLE

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County

City

Town

Village

of VILLAGE OF MARGARETVILLE

as follows:

Section 1. Purpose

The Village Board of the Village of Margaretville of Delaware County finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and created nuisances within the Village of Margaretville. 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 Village of Margaretville.

Section 2. Authority

This Local Law is enacted pursuant to the provisions of section 124 of article 7 of the Agriculture and Markets Law of the State of New York.

Section 3. Title

The title of this law shall be, "Dog Control Law of the Village of Margaretville" and replaces Local Law No.3 of the year 1997.

Section 4. Definition of Terms

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

- a) **Agriculture and Markets Law.** The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law and as amended thereafter.
- b) **Confined.** That such animal is securely confined or restrained and kept on the owner's premises, whether within a building, kennel, other suitable enclosure (including a electrical or "invisible fence", if the animal is also, while within such area, properly fitted with an operating and compatible receiver device), or securely fastened on a chain, wire or other effective tether of such length, and so arranged that the animal cannot reach or endanger any person or any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.
- c) **Dog.** Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.
- d) **Dog Control Officer.** Any person authorized by the Delaware County Board of Supervisors or the Village Board of the Village of Margaretville from time to time to enforce the provisions of this Local Law or the provisions of the Agriculture and Markets Law.
- e) **Owner.** The party purchasing the license, unless the dog is or has been lost, and such loss reported to the dog control officer and reasonable search has been made. If an animal is not licensed, the term of "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 animal which is kept, brought or comes within the Village of Margaretville. 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 the local law. In the event any dog found to be in violation of this chapter shall be owned by a minor, 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.
- f) **Police Officer and Peace Officer.** Officers as defined under these titles in the Criminal Procedure Law of the State of New York
- g) **Recreational Areas.** Recreational areas shall mean any real property owned by the Village of Margaretville which is used for recreational purposes by the public including, but not limited to, parks or playgrounds.
- h) **Run at large.** Run at large shall mean to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.
- i) **School Premises.** Any real property situate within the Village of Margaretville which is used for educational purposes or purposes incidental thereto.
- j) **Village of Margaretville.** Shall designate the area within the corporate limits of the Village of Margaretville.
- k) **Harbor.** To provide food or shelter to any dog.

Section 5. Restrictions

It shall be unlawful for any owner of any dog in the Village of Margaretville 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 able to control it by a command. For the purpose of this 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. For the purposes of this provision, 'habitual' means the proscribed noise being maintained by the dog for repeated intervals of at least five (5) minutes with less than two (2) minutes interruption, or more than four (4) intervals within any hour, which can be heard by any person, including a law enforcement officer or dog control officer, from a location outside of the owner's or caretaker's premises.
- c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of such dog.
- 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 while on a public street or highway or upon public or private property other than property of the owner or harborer of said dog.
- f) Create a nuisance by defecating, urinating or digging on public property or private property except of said owner.
- g) If a female dog, be off the owner's premises when in heat.
- h) Be at large on any school premises or recreational areas, or the sidewalks adjacent thereto, unless said dog is on a leash.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by section 5 of this Local Law shall be presumptive evidence against the owner or harborer of such dog that he/she has failed to properly confine, leash or control his/her dog.

Section 6. Conditions for Keeping Dogs.

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on premises. Upon conviction of an owner of the violation of this provision, the dogs shall become the property of the Village of Margaretville to be released to an authorized humane society, veterinarian, or kennel for adoption or euthanasia.

Section 7. Enforcement

This Local Law shall be enforced by any dog control officer, police officer or peace officer when acting pursuant to his/her special duties.

Section 8. Seizure, Impoundment, Redemption and Adoption

- a) Any dog found in violation of the provisions of section 5 of this Local Law may be seized pursuant to the provisions of section 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 section 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 section 118 of said article.
- d) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this section whether or not such owner chooses to redeem his/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 section 118 of the Agriculture and Markets Law.
- f) No action shall be maintained against the Village of Margaretville, any dog control officer or peace officer when acting pursuant to his/her special duties, or any other agent or officer of the Village of Margaretville or person under contract to said Village to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or the Agriculture and Markets Law.

Section 9. Appearance Ticket

Any dog control officer, peace officer, or police officer when acting pursuant to his/her special duties, or police officer in the employ of or under contract with the Village of Margaretville observing a violation of this local law in his/her presence, or investigating a complaint shall issue and serve an appearance ticket for such violation.

Section 10. Complaint

- a) Any person who observes a dog in violation of the Local Law may file a complaint with the dog control officer, if there be one, a member of the State Police or Sheriff's Department, or any Margaretville law enforcement officer.
- b) If, after a hearing, the Town Justice decides that further action is warranted, he/she may order:
 - 1) The dog to be confined to the premises of the owner.
 - 2) Such other remedy as may be warranted by the circumstances in such case as provided by law.
- c) A violation of any order issued by a Town Justice under the provisions of this Section 10 shall be an offense punishable, upon conviction thereof, as provided in section 11 of this Local Law.

Section 11. Penalties

A violation of this Law shall constitute an offense as defined in the Penal Law of the State of New York and shall be punishable in the following manner:

First Offense-----\$50.00 fine
Second Offense---\$100.00 fine
Third Offense-----\$250.00 fine

In the event that the fine is not paid in Thirty (30) days, the offender shall serve up to a Fifteen (15) day jail sentence.

Section 12. 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 13. Repealer

This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Village and they shall be, upon the effectiveness of this Local Law, null and void.

Section 14. Effective Date

This Local Law shall take effect upon receipt of filing with the Office of the New York State Secretary of State.