

DOG CONTROL LAW OF
THE TOWN OF FORESTPORT

WHEREAS, the Town Board of the Town of FORESTPORT desires to adopt a local law relating to the control and confining of dogs, and

WHEREAS, the Town of FORESTPORT has appointed an Animal Control Officer, or Dog Control Officer for the administration and enforcement of this Dog Control Law, and

WHEREAS, the Town Board desires to provide for the issuance of a uniform appearance ticket, and/or a uniform appearance ticket and simplified information for any violation of this law in addition to other means of enforcement,

This Dog Control Law is hereby adopted as follows:

§ 1. Purpose

The Town Board of the Town of Forestport finds that barking, biting, jumping and other uncontrolled behavior of licensed and un-licensed dogs has caused physical harm to persons, damage to property and created nuisances within the town. The purpose of this local law is to protect the health, safety and well-being of persons and property imposing restrictions on the keeping of dogs within the Town of Forestport.

§ 2. Authority

This local law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law and § 10 of the Municipal Home Rule Law of the State of New York.

§ 3. Title

The title of this law shall be, "Dog Control Law of the Town of Forestport."

§ 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, as amended by 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 or other suitable enclosure 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 un-licensed, members of the species *Canis familiaris*.
- D) Dog Control Officer. Any person authorized by the Oneida County Legislature or the Town Board of the Town of Forestport from time to time to enforce the provisions of this local law or the provisions of the Agriculture

and Markets Law as the Dog Control Officer, or Animal Control Officer.

- E) Nuisance. To cause damage or destruction to property or upon the person, or premises of a person other than the owner or person harboring such dog, or to uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of such dog.
- F) Owner. The party purchasing the license unless the dog is or has been lost, and such loss has been reported to the Dog Control Officer and reasonable search has been made. If an animal 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 animal 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 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.
- G) Town of Forestport. Shall designate the area within the corporate limits of the Town of Forestport.
- H) Harbor. To provide food or shelter to any dog.

§ 5. Violations

It shall be unlawful for any owner of, or any person harboring, any dog in the Town of Forestport to permit or allow such dog to:

- A) 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, or which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Town of Forestport. Continuous barking, howling or the making of other loud noises by any dog for more than one (1) hour or continuous barking for period of less than one (1) hour but more than one-half (1/2) hour, which period occurs on two (2) or more consecutive days, shall be deemed to be a disturbance of the peace and a cause of annoyance and discomfort to the persons in the Town of Forestport.
- B) Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such dog, or to uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of such dog.
- C) Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury, upon the premises of a person other than the owner or person harboring such dog, or to 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.

- D) If a female dog, be off the owner's premises when in heat.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by § 5 of this local law shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine, or control his dog.

§ 6. Enforcement

This local law shall be enforced by any animal or dog control officer or any peace officer when acting pursuant to his duties.

§ 7. 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 or 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 Town of Forestport, any dog control officer, animal control officer or peace officer when acting pursuant to his duties, 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.

§ 8. Complaint of Violation.

Any person who observes a dog in violation of this local law may file a signed complaint under oath with the Dog Control Officer, animal control officer or peace officer specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner or other person harboring the dog.

§ 9. Uniform Appearance Ticket and Simplified Information

Any dog control officer, animal control officer or peace officer upon receiving a sworn complaint of violation or upon observing a violation of this local law occurring in his presence may issue and serve any process, including an appearance ticket, a uniform appearance ticket, and/or uniform appearance ticket and simplified information for a violation of this local law.

§ 10. Penalties for Offenses.

- A) Upon conviction, a violation of this local law shall be deemed an offense and punishable by a fine not exceeding twenty-five dollars for the first offense, and fifty dollars for second offense and one-hundred dollars for each offense thereafter.
- B) In addition to a fine imposed under paragraph (A), a person violating this local law shall also be subject to imprisonment for not more than fifteen (15) days.
- C) Each violation shall constitute a separate offense and shall be subject to a separate and additional fine and/or imprisonment.

§ 11. Separability.

Each provision of this local law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

§ 12. Supersedure.

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

§ 13. Effective Date.

This local law shall take effect immediately.