

# VILLAGE OF ALFRED, NEW YORK

## LOCAL LAW NO. 4 – 2008 – DOG CONTROL LAW

Be it enacted by the Village Board of the Village of Alfred, Allegany County, New York as follows:

### SECTION ONE – Title

This Local Law shall be known as the “Dog Control Law of the Village of Alfred, Allegany County, New York.”

### SECTION TWO – Purpose

The purpose of this Local Law shall be to preserve the public peace and good order in the Village and contribute to the public welfare and safety of its people by establishing certain restrictions on the activities of dogs that are consistent with the right and privileges of residents of the Village.

### SECTION THREE – Authority

This Local Law is enacted pursuant to the provisions of Section 126 of the Agriculture and Markets Law of the State of New York.

### SECTION FOUR – Applicable Definitions

When used in this Local Law, unless otherwise expressly stated:

- Control means that the dog will respond to the command, order or signal or the owner or other responsible person and that the owner or other responsible person shall at all times by his/her command, order or signal, prevent his/her dog from bothering, worrying, annoying, chasing or barking at any person or animal.
- Dog includes any dog of either sex and of any age.
- Owner includes all persons owning, harboring, or keeping a dog within the village and the parent, guardian or other adult person with whom a minor dog owner resides.
- Pack means three or more dogs.
- Run at Large means to move about, over, across or upon any public or private property, premises, street, alley or thoroughfare other than that of the owner.

### SECTION FIVE – Restrictions

The owner of any dog shall not permit his/her dog to run at large within the village except when such dog is restrained securely by a leash.

### SECTION SIX – Prohibition of Nuisance by Dog

No person being the owner of any dog shall permit such dog to commit any nuisance within the village or cause damage to the person or property of others. The following are declared public nuisances and are set forth herein for explanatory purposes only and not to be considered as excluding other types of nuisances.

- A. Engage in loud howling or habitual barking or to conduct itself in such a manner as to disturb the public peace.
- B. Habitually chase and/or bark at moving vehicles or bicycles or persons on foot.
- C. To jump on any person or to knock any person over.
- D. To run at large in a pack.
- E. To cause damage to property of others.
- F. No owner or harbinger of a dog shall permit such dog to urinate, defecate, commit any nuisance or damage to public property or private property of another without the consent of such owner.

#### SECTION SEVEN – Seizure of Unlicensed Dogs

The Dog Warden or any Peace Officer of the Village shall seize any dog found at large not wearing a license tag as required by Article 7 of the Agriculture and Markets Law of this State.

#### SECTION EIGHT – Seizure of Dogs

- A. The Dog Warden or any Peace Officer shall seize any dog which is found at large in violation of Sections 5 or 6 of this Local Law.
- B. Every dog so seized shall be kept, properly fed and cared for at the expense of the Village of Alfred at such kennel or other place as the Village may designate until disposition thereof as herein provided and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.
- C. If a dog is seized for a violation of Section 5 or 6 and the dog is wearing a license tag, the Dog Warden or Peace Officer shall ascertain the owner of the dog and shall give immediate notice to the owner, or an adult member of his family, with a notice in writing stating that the dog has been seized and will be sold or destroyed unless redeemed as herein provided.
- D. If a dog is seized for a violation of Section 5 or 6 and the dog is wearing a license tag, the owner may redeem the dog any time within twelve (12) days by paying the Village Clerk or such other official of the Village as the Dog Warden may indicate, upon notice to said owner, the sum of Fifty Dollars (\$50) seizure fee plus the cost of care.
- E. If a dog is seized pursuant to Section 7 hereof, only, the owner may redeem the dog within three (3) days by producing to the person seizing the dog or such person as may be designated by the Dog Warden in the notice of seizure, a license for the dog and pay the Village Clerk the sum of Fifty Dollars (\$50) seizure fee plus the cost of care.
- F. If an owner is entitled to redeem a dog pursuant to Section 8D and/or 8E above, and if not so redeemed, the owner shall forfeit all title to the dog and it shall be sold or cause to be destroyed by the Peace Officer or the Dog Warden. In the case of sale, the purchaser must pay the purchase price to the Village Clerk and if the dog is not licensed, obtain a license for such dog. The person who destroys the dog shall immediately dispose of same and make a written report of such destruction and disposition to the Village Clerk or the Village of Alfred, who shall keep a record thereof.

G. No action shall be maintained against the Village of Alfred, any duly designated Dog Warden, or any other agent or officer of the Village, to recover the possession or value of any dog, or for any damages or injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law.

#### SECTION NINE – Dangerous Dogs

Any dogs which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of the Agriculture and Markets Law.

#### SECTION TEN – Jurisdiction

The Justice of the Village of Alfred shall have jurisdiction to hear all complaints under this Local law and all prosecutions for the violation of this Local Law.

#### SECTION ELEVEN – Duties of Dog Warden

The position of Dog Warden is hereby created. Said Dog Warden shall be appointed by the Village Board and shall be removable at the pleasure of the Village Board. It shall be the duty of the Dog Warden to enforce the provisions of this Local Law as well as the Agriculture and Markets Law of the State of New York with respect to dogs in the Village of Alfred, and to seize all dogs found in violation of this Local Law or which are ordered seized by the Justice of the Village of Alfred, and for the purposes of this Local Law such a Dog Warden is deemed to be a Peace Officer.

#### SECTION TWELVE – Who May File a Complaint and What it Shall Contain

Any person who observes or has knowledge of a dog in violation of any Section of this Local Law may file a signed complaint under oath with the Dog Warden or the Village of Alfred specifying the violation, the date thereof, the damage caused, the description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

#### SECTION THIRTEEN – Authority of the Dog Warden

Upon receipt by the Dog Warden of any complaint against the conduct of any particular dog for a violation of any provision of this Local Law, or in the event any dog is found by the Dog Warden of the village of Alfred to be in violation of any provision of this Local Law, the Dog Warden may summon the alleged owner or other person harboring said dog, the complaint, the date and time of the alleged violation, and time and place at which the owner of said dog is required to appear in court. If the summons is disregarded, the Dog Warden may file an information with the Justice of the Village of Alfred and such court shall then issue a warrant for the arrest of such person.

#### PENALTIES

Upon conviction, a violation of this Local Law shall be deemed an offense and punishable by a fine of not less than Fifty Dollars (\$50) and not more than Two-Hundred Fifty Dollars (\$250).

#### VAILIDTY

The invalidating of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or provision or part thereof.

#### EFFECTIVE DATE

This Local Law shall take effect immediately upon proper filing of this Local Law with the Secretary of the State of New York.

Passed on the 12<sup>th</sup> day of February, 2008.