

DOG CONTROL ORDINANCE

LICENSING OF DOGS

39.1 Purpose and intent. *Change "Article" to "Chapter."*

39.2 Title. *No changes to this section.*

39.3 License fees.

Fees changed to \$10.00 for spayed or neutered dogs and \$18.00 for dogs not spayed or neutered.

39.4 Failure to Relicense

Failure to relicense a previously licensed dog within 60 days of the expiration of the former license shall constitute a violation and subject the OWNER to the penalties under Section 39.9.

39.5 Failure to License.

Failure to license a dog in accordance with this chapter shall constitute a violation and subject the OWNER to the penalties under Section 39.9 in addition to the license fees in Section 39.3.

RESPONSIBLE CONTROL OF DOGS

39.6 Purpose and intent

The Town of Ellicott Board finds that the uncontrolled behavior of licensed and unlicensed dogs has created a nuisance in the Town. The purpose of this chapter is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping of dogs within the Town, outside of the Villages of Celoron and Falconer.

This chapter is in addition to, and not in place of, any other laws, rules or regulations applying to the keeping of dogs.

39.7 Definitions

AT LARGE: Off the premises of the owner or out of the control of the owner.

CONTROL: On a leash or lead of a reasonable length, or unleashed, within a reasonable distance from the OWNER, and responding to the commands of that person.

DANGEROUS DOG: Any DOG:

- A. Which, when unprovoked, approaches a person in a vicious or terrorizing manner in an apparent attitude of attack off the premises of the owner;
- B. With a known propensity, tendency or disposition to attack, cause injury to, or endanger the safety of human beings or domestic animals;
- C. Which bites, inflicts injury upon, assaults or otherwise attacks or endangers a human being or domestic animal off the premises of the owner.

For the purposes of this section, a "known propensity" shall be found if the dog has attacked, caused injury or endangered the safety of human beings or domestic animals on one prior occasion.

DOMESTIC ANIMAL: Any domesticated animal which may be considered, by the owner, to be a pet.

DOG CONTROL OFFICER: Any individual appointed by the Town to assist in the enforcement of this chapter and Article 7 of the Agriculture and Markets Law, or any authorized officer, agent or employee of an incorporated Humane Society or similar incorporated animal protection association under contract with the Town of Ellicott to assist in the enforcement of this chapter and Article 7 of the Agriculture and Markets Law.

DOGS: Both male and female canines.

NOISE: barking, howling, whining or other frequent or continued sound that reasonably disturbs the comfort or repose of any other person located off of the premises of the OWNER.

OWNER: Any person owning, keeping, harboring or having the care, custody or control of any dog, and when such owner shall be a child under the age of 18 years, the head of the household in which the child resides shall be deemed to be the owner of such dog for the purposes of this chapter.

PRESUMPTION OF LACK OF CONSENT: In any enforcement proceeding hereunder, it shall be presumed that an AT LARGE dog on the premises of one, other than its owner, is there without the consent of the owner of such premises, unless the OWNER of the dog proves such consent.

TOWN: The physical boundaries of the Town of Ellicott not including the incorporated Villages of Celoron and Falconer.

39.8 GENERAL REGULATIONS

A. No DOG shall be permitted to be AT LARGE or allowed to run AT LARGE within the TOWN, except that a DOG may be upon the property of the OWNER or private property or premises of another only with the knowledge, consent and approval of the owner of such premises, and further excepting that a DOG duly licensed and wearing a collar and license, as required by Article 7 of the Agriculture and Markets Law of the State, may be upon a public way or public recreation area, provided that such dog is then and there under the CONTROL of the OWNER.

B. No OWNER shall permit or suffer a DOG to damage or destroy property, of any kind, of another person or to attack, threaten, intimidate, or bite any person peaceably conducting themselves in any place where such person may lawfully be, or to attack, chase, injure or kill any DOMESTIC ANIMAL of another person when such animal is in any place where it may lawfully be. When any DOG is AT LARGE, contrary to the provisions of this chapter, and commits any such acts, the OWNER shall be deemed to have permitted the DOG to have committed such acts.

C. It shall be unlawful for any OWNER of a DOG in the TOWN to permit or allow such dog to:

1. Cause NOISE.
2. Uproot, dig or otherwise damage any garden, lawn, flowers, or other property without the consent or approval of the owner thereof.
3. Chase, jump upon 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.
4. Defecate, urinate or dig on public property or on private property without the consent or approval of the owner of such property.

D. Keeping of Dogs:

All dogs shall be provided with adequate food, water and shelter from the elements. Such shelter shall be kept reasonably free of debris, mud and dog waste.

E. Dangerous Dogs.

1. The OWNER of a DOG which has attacked or injured another person or DOMESTIC ANIMAL shall confine such DOG for such length of time as may be directed by the DOG CONTROL OFFICER, judge, or other law officer for the purpose of determining whether such DOG is affected by rabies, and if so affected, such DOG shall be destroyed under the direction of the DOG CONTROL OFFICER.

2. The OWNER of any DANGEROUS DOG shall not thereafter permit such DOG to be off the premises of the OWNER unless such dog is leashed and

securely fitted with a properly fitting muzzle of a type which shall not permit such dog to bite another person or animal.

39.9 PENALTIES FOR OFFENSES

A. Any violation of this chapter shall be deemed an offense punishable by a fine as follows:

1. First offense: fine not exceeding \$ 50.00
2. Second offense: fine not exceeding \$100.00
3. Third offense: fine not exceeding \$250.00 or confinement in jail

not exceeding fifteen days, or both such fine and imprisonment.

Any penalty imposed under Article 7 of the New York State Agriculture and Markets Law which is more stringent shall apply to violations of this chapter.

B. If any DOG which is the subject of a complaint brought under this chapter is found to be unlicensed, the OWNER shall be required to license the dog in accordance with the New York Agriculture and Markets law. The costs of licensing shall be in addition to any fine or penalty imposed hereunder.

C. The DOG CONTROL OFFICER or any police officer may seize any DOG found to be in violation of this chapter or in violation of the provisions of Article 7 of the Agriculture and Markets Law for the purpose of protection of the DOG, protection of the general public, or elimination of an ongoing violation. Any DOG so seized may be impounded, redeemed, euthanized or sold as provided in Section 118 of the Agriculture and Markets Law of this State, and the OWNER of such DOG shall pay the costs of such seizure and impoundment as provided therein. The costs of seizure shall be in addition to the fines under section "A" herein.

D. Within this section, each separate offense shall constitute a separate violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the Agriculture and Markets Law of the State of New York.