

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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~~ of _____ PERTH _____
~~Town~~
~~Village~~

Local Law No. _____ 1 _____ of the year 20__ 01

A local law _____ TOWN OF PERTH DOG CONTROL LAW _____
(Insert Title)

Be it enacted by the _____ Town Board _____ of the
(Name of Legislative Body)

~~County~~
~~City~~ of _____ Perth _____ as follows:
~~Town~~
~~Village~~

SECTION 1 TITLE

The title of this local law is "Dog Control Law for the Town of Perth."

SECTION 2 PURPOSE

The purpose of this local law shall be to preserve the public peace and good order in the Town of Perth, to contribute to the public welfare and the preservation and protection of the property and the persons and inhabitants of the Town of Perth by declaring and enforcing certain regulations and restrictions on activities of dogs within the Town, and to impose an additional local license fee pursuant to Section 110(4) of Article 7 of Agriculture and Markets Law.

SECTION 3 APPLICABILITY

This local law shall apply to all territory within the confines of the Town of Perth, Fulton County, New York.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 4 AUTHORITY

This local law is enacted pursuant to the provisions of Sections 110 and 124 of Article 7 of the New York State Agriculture and Markets Law.

SECTION 5 DEFINITIONS

- (A) "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this local law shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).
- (B) "Harbor" means to provide food or shelter to any dog.
- (C) "At large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (a) accompanied by and under the immediate supervision and control of the owner or other responsible person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

SECTION 6 RESTRICTIONS

It shall be unlawful for any owner of any dog to permit or allow such dog in the Town of Perth to:

- (A) be at large;
- (B) engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person; barking at an intrusion or a disturbance shall not constitute a violation of this local law;
- (C) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon, or scavenging through refuse on the premises of a person other than the owner of such dog;

- (D) commit an overt act which causes a person who is peaceably conducting himself/herself in any place where he may lawfully be to be placed in reasonable apprehension of bodily harm, together with apparent ability in the dog to inflict such harm;
- (E) habitually chase, run alongside or bark at motor vehicles or bicycles;
- (F) run together in a pack or to in any way form a pack of three (3) or more; or
- (G) be found upon the school yard of any of the schools of the Town during the time of year when said schools are open between thirty (30) minutes prior to the beginning of the school day to thirty (30) minutes after the end of the school day.

SECTION 7 LOCAL FEE FOR DOG LICENSES

Effective on all original licenses and all license renewals due on or after July 1, 2001, a local fee of Two Dollars and Fifty Cents (\$2.50) will be charged for all individual dog licenses in the Town of Perth, and a local fee of Five Dollars (\$5.00) will be charged on all purebred kennel licenses in the Town of Perth.

The local fee will be waived by the Town Clerk upon presentation of acceptable proof that the owner is at least 65 years of age or older.

SECTION 8 ENFORCEMENT

This local law shall be enforced by any dog control officer, peace officer when acting pursuant to his/her special duties, or police officer in the employ of or under contract to the Town of Perth.

SECTION 9 SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION

- (A) Any dog found in violation of the provisions of Section 6 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 Agriculture and Markets Law.
- (C) Seized dogs may be redeemed by producing proof of licensing, rabies vaccination, 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 Agriculture and Markets Law.

SECTION 10 COMPLAINT

Any person who observes a dog in violation of this local law may file a complaint under oath (or affirmation) with a Justice of the Town of Perth or the Dog Control Officer specifying the nature of the violation, the date and time thereof, a complete description of the dog, including the breed, approximate size, color markings and distinguishing characteristics, 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.

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring the dog to appear in person before him/her. If the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of such person.

SECTION 11 APPEARANCE TICKETS

Any dog control officer, peace officer when acting pursuant to his/her special duties, or police officer in the employ of or under contract to the Town of Perth, 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.

SECTION 12 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 less than Twenty-five dollars (\$25.00) and not

exceeding Two Hundred and Fifty Dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days or both.

SECTION 13 SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof.

SECTION 14 REPEALER

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

SECTION 15 EFFECTIVE DATE

This local law shall take effect immediately upon filing with the New York State Department of State.