

TOWN OF SPAFFORD LOCAL LAW # 1-1999

"The Nuisance Dog Local Law of the Town of Spafford, 1999"

Be it enacted by the Town Board of the Town of Spafford as follows:

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S1-1 Title. This section shall be known as the "Nuisance Dog Local Law of the Town of Spafford , 1999.

S1-2 Purpose. The Town of Spafford finds that the uncontrolled behavior of 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 by imposing restrictions and regulations upon the keeping of dogs within the Town.

S1-3 Authority. This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law.

S1-4 Definitions:

- a. "Dogs" means any member of the species.
- b. "Animal Control Officer" means that person or his or her authorized representative designated as such by the Town Board of Spafford.
- c. "Harbor" means to provide food or shelter to any dog.
- d. "Owner" means any person, firm, partnership, trustee, association or corporation owning, keeping, harboring, or otherwise maintaining an animal. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or head of the household where such minor resides.

S1-5 Restrictions. It shall be unlawful for any Owner of any dog to permit or allow such animal in the Town of Spafford to:

- a. engage in habitual loud howling, barking, crying, whining, or to conduct itself in such a manner as to unreasonably and habitually annoy any person;
- b. cause damage or destruction to property, including scattering garbage, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog;
- c. chase or otherwise harass any person in such a manner as reasonably to cause intimidation, annoyance or to put such person in reasonable apprehension of bodily harm or injury;

S1-6 All Owners of female dogs in heat shall keep such dogs confined in such manner as to not be in contact with other dogs, (except for intentional breeding purposes) and so as to avoid creation of a nuisance by attracting other dogs.

S1-7 Enforcement.

a. This Local Law shall be enforced by any animal control, peace officer, when acting pursuant to special duties, or police officer.

b. Notwithstanding the existence of any other enforcement procedure or remedy, the Town Animal Control Officer shall be authorized to seize any dog that is unlicensed or that in his or her judgment is a danger to public health, welfare, or safety.

S1-8 Seizure, Impoundment, Redemption, and Adoption.

a. Any dog found in violation of the provisions of S1-5 or S1-6 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 period 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 following seizure fee to the Town Clerk:

i. \$25.00 for the first seizure.

ii. \$50.00 for a second seizure within 1 year from the first seizure.

d. If the Owner of any unredeemed dog is known, such Owner shall be required to pay the seizure fees set forth in subdivision (c) of this Section, the impoundment and storage fees of the animal shelter keeping said dog and euthanization fee, if applicable, whether or not such Owner chooses to redeem his 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.

S1-9 Violations and Penalties. A violation of this local law shall constitute an offense punishable by a fine not exceeding fifty dollars (\$50.00) or by imprisonment in jail for ten (10) days or by both such fine and imprisonment for the first offense, and by a fine not exceeding fifty dollars (\$50.00) or by imprisonment for thirty (30) days or by both such fine and imprisonment for a second or subsequent offense.

S1-10 Severability of Provisions. Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof, other than the part so decided to be unconstitutional.

S1-11 Effective Date. This local law shall become effective immediately upon filing of said Local law with the Secretary of State of the State of New York.