

**TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK**

**A LOCAL LAW PROVIDING FOR ANIMAL CONFINEMENT IN THE
TOWN OF TICONDEROGA**

Local Law No. 4 of 2009

Be it enacted by the Town Board of the Town of Ticonderoga, County of Essex, State of New York, as follows:

This Local Law is enacted to provide animal control and protection not provided by the Agriculture and Market Law of the State of New York.

SECTION 1. Purpose. Pursuant to Town Law Section 130, the purpose of this local law is to promote the public health, safety and welfare of the community including the protection and preservation of the property of the Town of Ticonderoga and its inhabitants, and of the peace and good order therein by regulating and controlling activities of animals within the Town of Ticonderoga and to provide for its enforcement thereof.

Further, a clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Ticonderoga. It is declared that improperly disposed of fecal matter and droppings from animals on property within the Town of Ticonderoga promotes and increases the spread of disease and illness among the inhabitants and animals of the Town of Ticonderoga and that such improper disposal has the potential to adversely affect the health, safety and welfare of the citizens of the Town, necessitating the prohibition thereof.

SECTION 2. Prohibited Acts. Any owner or custodian of any domestic or wild animal in the Town of Ticonderoga, shall be in violation of this Local Law if such animal:

- (a) Enters onto another's property without permission.
- (b) Enters on public property without being controlled by a leash, reins, or other means of direct control of said animal.
- (c) Is a female in heat and is not securely confined or enclosed.
- (d) Is not in full compliance with all New York State Laws covering animals.

All animals, including all pets, are restricted from entering the areas known as Percy Thompson Bicentennial Park, Veterans Park, and Ticonderoga Municipal Beach.

SECTION 3. Responsibility. All animals within the Town shall be under the control of the owner or custodian at all times, and shall not cause harm, annoyance, or other infringement to

any other person's right to peaceful enjoyment of their property, public lands, or public waters. The owner or custodian of such animals must correct such action of harm, annoyance, or other infringement, and shall be responsible for any physical damage caused to person or property, and to pay any fines and penalties as imposed by the Town of Ticonderoga.

SECTION 4. Complaint.

(a) Any person who observes an animal in violation of this Local Law may file a complaint under oath with a Town Justice, the Town police officer, dog control officer, and/or peace officer, as defined in Article 7 of the Agriculture and Market Law of the State of New York, specifying the nature of the violation, the date, a description of the animal, and the residence of the owner or custodian of the animal if known.

(b) Upon receipt by a Town Justice of any such complaint he shall summon the owner or custodian to appear in person before him for a hearing, at which time both the complainant and the owner or custodian shall have the opportunity to be represented by counsel and to present evidence. If, after such hearing the Town Justice decides that further action is warranted, he may order:

(1) The owner or custodian to restrain the animal to the owner's property at all times.

(2) If the Town Justice feels that this animal is a danger to the safety of the community he may order the animal to be destroyed, in accordance with Section 5, herein.

(c) If an animal enters onto a land owner's property the land owner may confine the animal but he must notify the Town of Ticonderoga peace officer, dog control officer and/or police officer. He will also be responsible for the animal's well being while it is in his custody. The peace officer, dog control officer and/or police officer shall return the animal to its owner or custodian, if known, and issue an appearance ticket. The peace officer, dog control officer and/or police officer shall be the Complainant in such a case. If the owner or custodian cannot be found then the animal shall be turned over to the Town Veterinarian.

SECTION 5. Procedures Relating to Dangerous Dogs.

Procedures relating to dangerous dogs shall be in accordance with the relevant provisions of the Agriculture and Markets Law.

(a) In the event of a complaint of an attack upon a person or of an attack, chase or worrying of a domestic, farm or companion animal, the Court shall immediately determine if there is probable cause to believe that the dog is a dangerous dog, and upon so finding, shall order the dog control officer or law enforcement officer to immediately seize the dog pending a judicial hearing conducted in accordance with Agriculture and Markets Law.

(b) If satisfied that said dog is a dangerous dog, the Court may order the dog control

officer or law enforcement officer to take any action consistent with the provisions of the agriculture and Markets Law including the destruction of the dog, or take any other action prescribed herein. In the event that any person is bitten or scratched by said dog, the Court shall order the dog tested for rabies or quarantined for a period of ten (10) days. The rabies testing and/or quarantined shall be at the owner's expense.

(c) In the event that the Court does not order the dog destroyed and determines that said dog is a dangerous dog within the meaning of the Agriculture and Markets Law, the owner of the dog shall be required to:

- (1) Maintain liability insurance which insurance must specifically cover damage or injury to persons or property which may be caused by a dangerous dog;
- (2) Muzzle the dog when in all public places; and
- (3) Post the property where the dog is located with a notice of "Dangerous Dog."

(d) Upon default of any of the conditions of a Court order, said dangerous dog shall be dealt with in accordance with the law and without the need for further process of the Court.

SECTION 6. Agricultural District. This Local Law does not affect and exempts from its application any farm operations in an Agricultural District.

SECTION 7. Surcharge. There shall be a surcharge of \$2.50 on any animal licensed by New York State payable to the Town of Ticonderoga.

SECTION 8. Feces Disposal. Any owner or custodian of an animal, which animal has deposited its feces to be deposited upon any Town Property or upon the Property of Another, shall immediately remove such feces and cause it to be disposed of in a safe and sanitary manner. A person will be considered to have disposed of feces in a safe sanitary manner if such feces are immediately collected and placed in a suitable bag and placed in a suitable container for the collection of garbage and refuse.

For purposes of this section, "Town Property" shall mean any property owned, and occupied or controlled by the Town of Ticonderoga, including but not limited to parks, streets, sidewalks and grassy areas adjacent to town streets and sidewalks, and "Property of Another" shall mean all property within Town boundaries which is not owned by the Town, including but not limited to all residential and commercial property, private streets and sidewalks and the grassy areas located adjacent to such streets and sidewalks, rights-of-way, and any common area of a condominium or cooperative.

SECTION 9. Penalties. Any person who violates any provisions of this Local Law shall be guilty of a violation pursuant to the Penal Law, punishable by a fine of not less than twenty-five (\$25.00) dollars and not more than fifty (\$50.00) dollars for the first offense, and not less than fifty (\$50.00) dollars and not more than one hundred (\$100.00) dollars for each offense

thereafter. If in the judgment of the Court the offense constitutes a hazard to the public as indicated by the Town peace officer, dog control officer and/or police officer, the Court may order that the animal be removed by the peace officer, dog control officer and/or police officer and turned over to the Town Veterinarian or otherwise disposed of pursuant to applicable law.

SECTION 10. Enforcement.

(a) The dog control officer and/or police officer of the Town of Ticonderoga shall be responsible for the administration and enforcement of this Local Law, as it applies to dogs, and shall act upon any written complaint, or his observation, of an alleged or possible violation of this Local Law. Any appearance ticket for a violation of this Local Law shall be administered pursuant to the New York State Criminal Procedure Law.

(b) The Town of Ticonderoga Police Department or a peace officer shall be responsible for the administration and enforcement of this Local Law, as it applies to animals, including dogs, and shall act upon any written complaint, or his observation, of an alleged or possible violation of this Local Law. Any appearance ticket for a violation of this Local Law shall be administered pursuant to the New York State Criminal Procedure Law.

SECTION 10. Not applicable. This Local Law shall not apply to cats.

SECTION 11. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 12. Repealer. This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to animal confinement within the Town of Ticonderoga and they shall be, upon the effective date of this Local Law, null and void.

SECTION 13. Effective Date. This Local Law shall take effect upon filing with the New York State Secretary of State.