

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

**A LOCAL LAW PROVIDING FOR DOG CONTROL IN THE
TOWN OF TICONDEROGA**

Local Law No. 1 of 2016

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

SECTION 1. PURPOSE AND AUTHORITY.

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by Chapter 59, Part T of the Laws of 2010. 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 dogs within the Town of Ticonderoga and to provide for its enforcement thereof.

SECTION 2. DEFINITIONS.

- A. “At Large” means to be at a location other than on the premises of the owner or on the premises of another person without the knowledge, consent and approval of said other person.
- B. “Dog” shall mean either a male or female dog.
- C. “Dog Control Officer” means an individual appointed by the Town Board of the Town of Ticonderoga to assist in the enforcement of the provisions of this Local Law and Article 7 of the Agriculture and Markets Law, as may be applicable.
- D. “To Leash” means:
 - i. To restrain with a collar and leash sufficient to control the movement of the dog; OR
 - ii. To maintain in the presence of a person capable of controlling the movement of the dog.
- E. “Owner” means any person who owns, harbors, keeps or has custody and control of a dog; except that if such person is under 18 years of age the owner shall be deemed the parent or guardian of such person.
- F. “Harbor” means to provide food or shelter to any dog.

SECTION 3. PROHIBITED ACTS.

- A. No dog, whether licensed or unlicensed, muzzled or not muzzled, shall be allowed to run at large in any street, sidewalk, lane or public place unless said dog is effectively restrained by a chain or leash, not exceeding six (6) feet in length, affixed to the collar or harness of the dog or, in the alternative, unless said dog is in the immediate custody and control of the owner or a responsible person who is over twelve (12) years of age.
- B. It shall be unlawful for any owner of any dog to permit or allow such dog in the Town of Ticonderoga to:
 - i. Cause damage or destruction to property, or commit a nuisance by defecating or urinating or scavenging through refuse upon the premises of another person other than the owner of such dog, unless the owner of said premises has given permission therefor; or
 - ii. Chase, jump on or at, or otherwise harass any person in such manner as would reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or
 - iii. Attach, chase or worry any domestic, farm and or companion animal as defined in Section 108 of the New York State Agricultural or Markets Law; or
 - iv. Habitually chase or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or place, or upon private property without consent or approval of the owner of such property; or
 - v. Be off the premises of the owner unless restrained by a leash to be held by a person of sufficient strength and ability to adequately restrain the dog. Such dog may be unleashed while off the owner's or harbors' premises only on such occasions as when such dog is on the private premises of another with the knowledge, consent and approval of such person.
- C. All dogs shall be restricted from entering the areas known as:
 - i. Percy Thompson Bicentennial Park;
 - ii. Veterans Park;
 - iii. Ticonderoga Municipal Beach; and also
 - iv. All Town Owned Cemeteries
- D. It shall be the duty of the owner or person harboring any female dog in heat to confine such dog to the premises of such owner or person in possession of the dog during the period when it is in heat.
- E. All dog owners shall be in full compliance with all New York State Laws covering Dogs.
- F. It shall be unlawful for any person to treat a dog in a cruel or inhuman manner or abandon any dog.

SECTION 4. RESPONSIBILITY.

All dogs within the Town shall be under the control of the owner 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 of such dogs 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 5. LICENSING REQUIREMENTS.

- A. Requirement. All dogs in the Town of Ticonderoga that are four (4) months of age or older shall be licensed with the Town Clerk of the Town of Ticonderoga. Any person applying for a dog license shall present a current certificate of rabies vaccination or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required, at the time of making an application for a license or for the renewal of an existing license.
- B. Expiration of License. All dog licenses shall be valid for a period of one (1) year and shall expire at the end of month one (1) year from the date of issuance.
- C. Fees.
 - i. The licensing fee for a spayed or neutered dog shall be \$5.00, which fee includes the assessment of a surcharge of \$1.00 for the purpose of carrying out a program of animal population control.
 - ii. The licensing fee for an unspayed or unneutered dog shall be \$15.00, which fee includes the assessment of a surcharge of \$3.00 for the purpose of carrying out a program of animal population control.
 - iii. The charge for replacement tags shall be \$5.00.
 - iv. When the Town Board determines the need for a dog enumeration, a fee of Five Dollars (\$5.00) will be assessed to the owner of any dog found unlicensed or for which the license has not yet been renewed at the time the enumeration is conducted.
- D. Service Dogs. The Town of Ticonderoga excepts guide, hearing, service, war, working search, detection, police and therapy dogs, as defined in Article 7 of the Agriculture and Markets Law of the State of New York, from payment of the licensing fees.
- E. Purebred License. The Town of Ticonderoga shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated herein.
- F. Shelters. The Town of Ticonderoga does not allow the licensing of dogs by a shelter. The shelter shall be required to send adoptive dog owners to the clerk of the municipality in which the dog will be harbored for licensing or to the Town Clerk of the Town of Ticonderoga where the shelter is located for the purchase of the license for adoption purposes.
- G. All dog licenses shall be purchased in person at the Town offices or by regular mail.

If licensing or renewing a license by mail the appropriate fees must accompany the application. There shall be no refund of fees.

- H. All fees will be used in funding the administration of the Dog Control Law of the Town of Ticonderoga.

SECTION 6. SEIZURE OF DOGS; REDEMPTION; IMPOUNDMENT FEES.

- A. The Dog Control Officer or any other law enforcement officer in the employ of or under contract with the Town of Ticonderoga shall seize:
 - i. Any dog which is not identified and which is not on the owner's premises.
 - ii. Any dog which is not licensed, whether on or off the owner's premises.
 - iii. Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous or any dog which poses an immediate threat to the public safety. Promptly upon seizure of any dog based on this Section 6(G)(iii) the dog control officer shall commence a proceeding as provided for under New York State Agricultural Markets Law Article 7 Section 123.

- B. The Dog Control Officer or any other law enforcement officer in the employ of or under contract to the Town of Ticonderoga may seize any dog in violation of any local law or ordinance relating to the control of dogs adopted by the Town of Ticonderoga pursuant to the provisions of Article 7 of the Agriculture and Markets Law.

- C. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

- D. Impoundment fee.
 - i. Each dog which is not identified, whether or not licensed, shall be held for a period of five (5) days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this local law, and further provided that the owner pays the impoundment fee and pickup fee as required and as set forth below.
 - ii. All impoundment fees including all seizure and kennel fees and all fines and/or penalties levied or assessed by the Court to this local law shall be the property of the Town of Ticonderoga.
 - iii. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of provisions of this local law are as follows:
 - a. For the first impoundment: \$0.00, plus the prevailing charge to the Town of Ticonderoga for each day of impoundment if the dog is redeemed within twenty four (24) hours of seizure and impoundment, and otherwise

\$25.00, plus the prevailing charge to the Town of Ticonderoga for each day of impoundment if the dog is not redeemed within twenty four (24) hours of seizure and impoundment.

- b. For the second impoundment within the life of the dog: \$50.00, plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus the prevailing charge to the Town of Ticonderoga for each day of impoundment.
- c. For the third impoundment within the life of the dog: \$100.00, plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus the prevailing charge to the Town of Ticonderoga for each day of impoundment.
- d. For the fourth impoundment and any subsequent impoundment within the life of the dog: \$250.00, plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus the prevailing charge to the Town of Ticonderoga for each day of impoundment.

E. Notice of seizure; redemption.

Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven (7) days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog will be held for a period of nine (9) days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed herein and by producing proof that the dog has been licensed.

F. Abandoned dogs.

- i. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, as such dog shall be deemed abandoned and the dog shall then be made available for adoption or euthanized. Any person, other than the owner of the dog seized or a member of his or her immediate family, may apply to the impoundment facility for the adoption of the dog, provided that no such dog shall be delivered for adoption unless it has been licensed, or proof of licensing is shown, pursuant to the provisions of this local law prior to its release from the custody of a pound or shelter. Upon adoption, collection of any impoundment fees from the adoptee prescribed by this section shall be waived.
- i. A dog is deemed to be abandoned when it is placed in the custody of a veterinarian, veterinary hospital, boarding kennel owner or operator, stable owner or operator, or any other person for treatment, board, or care, and such dog remains in such custody for no less than seven (7) days, having been placed in such custody such animal is not removed at the end of such seven (7) day period and a notice to remove the animal within ten (10) days thereafter has been given to the person who placed the animal in such custody, by means of registered letter

mailed to the last known address of such person, or if the individual placing such dog into custody is the Dog Control Officer or any other law enforcement officer in the employ of or under contract to the Town of Ticonderoga, such ten (10) day notice shall be waived.

- ii. The fees for redemption of an abandoned dog shall be as set forth in Section 6 above.

G. Redemption periods.

The redemption periods set forth above in this section notwithstanding, the Town of Ticonderoga may establish the duration of such periods by local law or ordinance, provided that no such period shall be less than three (3) days, except that where notice to the owner is given by mail, no such period shall be less than seven (7) days.

SECTION 7. 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:

- i. The owner or custodian to restrain the animal to the owner's property at all times.
- ii. 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 or a designee noted in this Local Law.

SECTION 8. 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 probably 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:
 - i. Maintain liability insurance which insurance must specifically cover damage or injury to persons or property which may be caused by a dangerous dog and shall be renewed for the life of the dog;
 - ii. Muzzle the dog when in all public places; and
 - iii. Post the property where the dog is located with a notice of "Dangerous Dog."
 - iv. 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.
 - v. Any other requirement that the Court finds appropriate under the law.

SECTION 9. FECES DISPOSAL.

Any owner or custodian of a dog, which dog 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 10. PENALTIES.

Except as otherwise provided for within this local law, 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 fifty (50.00) dollars and not more than one hundred (\$100.00) dollars for the first offense, and not less than fifty (\$100.00) dollars and not more than one hundred fifty hundred (\$150.00) 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. In addition, the Court may order restitution as a condition of any sentence for violation of the provisions of this chapter.

SECTION 11. ENFORCEMENT.

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 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 12. 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 13. REPEALER.

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

SECTION 14. EFFECTIVE DATE.

This Local Law shall take effect after filing with the New York State Secretary of State.