

Chapter 47

Dogs

Article I

Dog Control

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ARTICLE I

[Amended and Adopted 01-18-2011 as L.L. No. 1 – 2011]

§ 47 - 1. **Purpose**

The purpose of this article is to protect the health, safety, and well-being of persons, property and dogs by imposing restrictions within the Town. Any licensed or unlicensed dog found uncontrollable, showing unlawful behavior, causing physical harm to persons, has damaged property or created any nuisance within the Town will be found in violation.

This article is also a means to promote and educate owners for the welfare of the dog. To protect and ensure the condition of animals and how they are kept does not cause unwarranted stress for the residents, property or dog.

§ 47 - 2. **Statutory Authority**

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law And the Municipal Home Rule Law of the State of New York.

§ 47 - 3. **Title**

The title of this article shall be the “Dog Control Law of the Town of Urbana”.

§ 47 - 4. **Definitions**

Used as in this Article, the following words shall have the following respective meanings:

Dog – male and female, licensed and unlicensed, members of the species *Canis Familiaris*.

Dog Control Officer (DCO) – Person appointed by the Town of Urbana for the purpose of enforcing Article 7 of the NYS Ag & Market Law and this Local Law upon adoption.

Owner – The person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog, unless the dog is or has been lost and such loss was promptly reported to the Dog Control Officer and a reasonable search has been made. If a dog is not licensed, the term “owner” shall designate and cover any person or persons, association, corporation who or which, at any time, owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought, or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this article, shall be held in and deemed to be the “owner” of such dog for the purpose of this article.

In the event that the “owner” of any dog found to be in violation of this Article shall be under eighteen (18) years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of the Article.

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§ 47 - 5. **Prohibited Actions**

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

- A. Run at large unless the dog is accompanied by its owner or a responsible person and under the full physical control of such person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual loud howling, barking, crying, whining, or conducting itself in such a manner so as to cause stress to the animal and unreasonably and habitually disturb the comfort of any resident.
- C. Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property without the consent or approval of the owner.
- D. Chase, jump on or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such a person in reasonable apprehension of bodily harm or bodily injury.
- E. Habitually chase, run alongside of, or bark at motor vehicles, motorcycles, or bicycles while on a public street, highway, or upon private property without the consent or approval of the owner of such property.
- F. Create a nuisance by defecating, urinating, or digging on public property or on private property without the consent of the owner of such property.
- G. Limit the chaining and kenneling to no more than 12 hours per day. Any dog currently used as a hunting dog is exempt from this limitation. This code also requires any tether be at least 15 feet long attached in a way to prevent injury, strangulation or entanglement with other objects. No dogs will be tethered with any choke or prong collar.
- H. Residents will be advised that the Town of Urbana will take action regarding dogs left out in extreme weather. For more details see Article 26 section 535-b of the NYS Ag & Market Cruelty Law – Appropriate shelter for dogs left outdoors.

§47-6. **Licensing of Dogs**

- A. All dogs in the Town of Urbana must be licensed by the Town Clerk by the age of 4 months and are required to present a Certificate of rabies at the time of licensing or the renewal of an existing license.
- B. All dogs must wear a Town issued identification tag.

- C. All dog licenses will be for a period of one year and will expire at the end of the month one year from date of issue.
- D. Fees for licensing of Dogs: The fee for a spayed or neutered dog will be \$10.00 (which will include the assessment of \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$20.00 (which will include the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board if deemed necessary.
- E. The fee for a replacement tag will be \$3.00 per tag.
- F. A twenty dollar (\$20.00) late fee will be charged for a renewal received after the last day of the month it is due. If the license remains unpaid by the last day of the following month of which it was originally due, an appearance ticket will be issued.
- G. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to owners of all dogs found to be un-renewed or unlicensed at the time of the enumeration.
- H. The Town of Urbana will not issue Purebred or Kennel Licenses. All dogs will be licensed individually as per the system stated above.
- I. Service dogs. The Town of Urbana will require a license for all guide dogs, service dogs, hearing dog or detection dog which reside in the Town.
- J. The Town of Urbana does not allow the licensing of dogs by an animal shelter. The shelter must send the adoptive dog owner to the Town Clerk of the town or City in which the dog will be harbored for licensing.
- K. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing by mail, the appropriate fee and certificate of rabies, if required, must accompany the forms. There will be no refund of fees.

§ 47-7. **Enforcement**

- A. The dog control officer or any peace officer shall seize any unlicensed dog, whether on or off the owner's premises and any dog without identification which is not on the owners premises. Such dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law. The dog control officer or peace officer may also investigate and report to a Town Justice of the Town any dangerous dog, as described by Article 7 of the Agriculture and Markets Law and enforce the order of the Town Justice.
- B. The dog control officer or peace officer having reasonable cause to believe that a person has violated this Article shall issue and serve upon such person an appearance ticket for such violation.

- C. Any person who observes a dog in violation of this Article may file a complaint under oath with a Town Justice of the Town, specifying the nature of the violation, the date thereof, a description of the dog, and 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 article.

§ 47-8. Interference with officers

- A. No person shall hinder, harass, resist or oppose the Dog Control Officer, peace officer or other person(s) authorized to administer or enforce the provisions of this Article in the performance of the person's duties under the article.

§ 47-9. Penalties for offenses

- A. Fees for seizure of dogs. The fees for seizure and impoundment of dogs in violation of this law, the New York State Agriculture and Markets Law and the regulations of New York State Department of Agriculture and Markets are as follows:

First Offense: The same impoundment and euthanasia fees per animal that are charged to the Town for such services; Second Offense: \$60 plus the impoundment and euthanasia fees per animal. These fees will be reviewed periodically by the Town Board and may be changed by a resolution of the Town Board if deemed necessary.

- B. Any person convicted of a violation of this Article shall be liable to a civil penalty not to exceed fifty dollars (\$50) for the first violation, not exceeding seventy five dollars (\$75) for the second violation and not exceeding one hundred dollars (\$100) for each subsequent violation. These fees will be reviewed periodically by the Town Board and may be changed by a resolution of the Town Board if deemed necessary.
- C. Each week's continued violation shall constitute a separate violation.
- D. Failure to appear in court may result in a Bench Warrant.