

Local Law Filing

New York State Department of State

41 State Street, Albany, NY, 12231

Town of DeKalb

Local Law No. 2 of the year 2018

A Local Law, Dog Control Law

Be it enacted by the Town Board of

Town of DeKalb as follows:

ARTICLE 1: PURPOSE

The Town Board of the Town of DeKalb has determined that running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons and has damaged property and has created nuisances within the Township. The purpose of this chapter is to protect the health, safety and well-being of the persons and property for the public peace and good order in the Town by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of other residents of the Town.

ARTICLE 2: DEFINITIONS

When used in this chapter, unless otherwise expressly stated, the following terms shall have the meanings indicated:

CONFINED -- Any such animal is securely confined or restrained or kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premise or in any public street, way or place; or if the animal is being transported by the owner, it is securely confined in a crate or other container or so restrained in a vehicle that it cannot be expected to escape therefrom.

DOG -- Includes any dog of either sex and of any age, unless otherwise indicated herein.

DOG WARDEN -- The person appointed by the Town Board of the Town of DeKalb to assist in the enforcement of this chapter, and every dog seized by the "Dog

Warden" shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Markets Law of the State of New York.

OWNER -- The party purchasing the license for the dog. If the dog is not licensed, the term "owner" shall be construed to include any person who 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. In the event that the owner of any dog which is found to be in violation of this chapter is a minor, 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 in violation of this chapter.

RUN AT LARGE -- A dog shall be deemed to be "running at large" if it is elsewhere than on the premises of the owner while not under the control of the owner or his agent and without the knowledge, consent or approval of the owner of such lands.

UNDER CONTROL -- A dog shall be deemed to be "under control" when it is under either voice command or a suitable restraining device designed for that purpose.

ARTICLE 3: RESTRICTIONS

- A. No dog shall be knowingly allowed to run at large within the Town of DeKalb.
- B. No unsprayed female dog in estrus shall be knowingly allowed to be outside a building or a fence enclosure.
- C. No dog shall be knowingly allowed upon the public streets or upon any public property within the Town of DeKalb unless it shall be accompanied by its owner or a responsible person able to restrain and control said dog by command and unless such person accompanying said dog shall actually control and restrain said dog by some suitable device designed and used for that purpose.

ARTICLE 4: NUISANCES

No person being the owner or the agent of the owner of any dog shall knowingly allow such dog to commit any nuisance within the Town of DeKalb or cause damage to the person or property of others. The following are declared to be public nuisances and are set forth herein for explanatory purposes only and are to be considered as excluding other types of nuisances, and the establishment of the fact that the owner of a dog has allowed or permitted such dog to commit any of the acts hereinafter prohibited shall be presumptive evidence against the owner or harbinger of such dog that he has failed to property confine or control said dog:

- A. Engaging in loud howling or persistent barking, crying or whining or so conducting itself in such a manner as to unreasonably and persistently disturb the comfort or repose of any person other than the owner of such dog. Barking over 10 minutes at one time or intermittent barking for over a period of 30 minutes is considered

presumptive evidence of persistent barking. The Town Board of the Town of DeKalb hereby recognizes that there may be special problems in applying this standard with regard to kennels, and it is the purpose of this law to allow the dog warden to have the most latitude possible in dealing with howling or persistent barking situations involving kennels.

B. Chasing and/or barking at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harborer of said dog.

C. Jumping upon, chasing or otherwise harassing any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

D. Being found upon the school grounds of any school within the Town of DeKalb during the time of year when said schools are open, and between one (1) hour prior to commencement of the school day and one (1) hour after the end of the school day, or upon a playground within said Town of DeKalb at any hour during the time of the year when playground activities are conducted.

E. Running together in a pack or in any way forming a pack of dogs. For the purpose of this chapter, the word "pack" is hereby defined to mean three (3) or more dogs.

F. Defecating, urinating, digging or otherwise damaging public property or private property, other than the property of said owner.

ARTICLE 5: DANGEROUS DOGS

Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of said Agriculture and Markets Law.

ARTICLE 6: COMPLAINT OF VIOLATIONS, APPEARANCE TICKET, SEIZURE, FEES

A. Any person who observes or has knowledge of a dog violating any provision of this chapter may file or register a signed complaint to the Dog Warden, specifying the objectionable conduct of the dog, the date thereof, the description of the dog and the name and address, if known, of the owner or other person harboring said dog.

B. Upon receipt by the Dog Warden of any such complaint or in the event that any dog is found by the Dog Warden to be in violation of any provision of this chapter, the Dog Warden shall, if possible, seize and take into custody said dog and, in any event, as soon as circumstances will permit, issue and deliver to the owner of said dog an appearance ticket pursuant to Section 126 of the Agriculture and Markets Law of the State of New York, detailing the violations and instructing the owner to appear before

the Justice Court of the Town of DeKalb or to answer such appearance ticket by registered or certified mail, return receipt requested, within five (5) days of the date of such violation. If said appearance ticket is disregarded by such person, the Dog Warden or complainant may file an Information with said Court, which Court shall then issue a warrant for the arrest of such person.

C. In the event that any dog has been seized or taken into custody by the Dog Warden, its owner shall be required to pay to the boarding facility designated by the Town the fee for each day during which said dog is boarded. The fee is based on what the boarding facility charges on a per day basis.

ARTICLE 7: PENALTIES FOR OFFENSES

Upon conviction, a violation of any of the provisions or restrictions of this chapter shall be punishable by a fine not to exceed \$300.00 for a first violation, \$600.00 for a second violation and \$900.00 for each subsequent violation.

ARTICLE 8: SEVERABILITY

Should any section or provision of this chapter be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 9. REPEALER

This chapter shall supersede all prior Local Laws, ordinances, rules and regulations relating to the confinement and control of dogs within the Town of DeKalb, and any such prior ordinances, rules and regulations are hereby repealed.

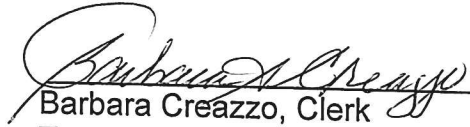
ARTICLE 10: SEQR.

This Local Law is an unlisted action under the State Environmental Quality Review Act and does not require a SEQR.

SECTION 11. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Department of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 2 of 2018, of the Town of DeKalb was duly passed by the Town Board on 2/21/18, 2018 in accordance with the applicable provisions of law.

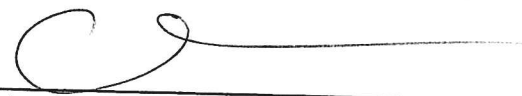

Barbara Creazzo, Clerk
Town of DeKalb .

(Seal)

Date: 2/21/18

STATE OF NEW YORK)
) ss.:
COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.



Charles B. Nash, Esq.
Town Attorney
Town of DeKalb

Date: 2/21/18