

Town Clerk's Copy

LOCAL LAW #1 FOR THE YEAR 1983
FOR THE TOWN OF FREMONT
DOG CONTROL AND LICENSING

LOCAL LAW NO. 1 REGULATING AND CONTROLLING THE ACTIVITIES OF DOGS IN THE TOWN OF FREMONT, TO BE KNOWN AS LOCAL LAW NO. 1 DOG OR ANIMAL CONTROL LAW. BE IT ENACTED BY THE TOWN BOARD OF FREMONT, IN THE TOWN OF FREMONT, N.Y. THIS LAW IS ENACTED PURSUANT TO THE PROVISIONS OF ARTICLE 7 OF THE AGRICULTURE AND MARKET LAW OF NEW YORK STATE.

SECTION 1- PURPOSE: THE PURPOSE OF THE LAW SHALL BE TO PRESERVE PUBLIC PEACE AND GOOD ORDER IN THE TOWN OF FREMONT AND TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF ITS PEOPLE BY ENFORCING REGULATIONS AND RESTRICTIONS ON THE ACTIVITIES OF DOGS THAT ARE CONSISTENT WITH THE RIGHTS AND PRIVILEGES OF DOG OWNERS AND THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF THE TOWN OF FREMONT.

SECTION 2- DEFINITIONS:

1. DOG. THE TERM DOG SHALL MEAN BOTH MALE AND FEMALE DOGS.

2. OWNER. THE TERM OWNER SHALL INCLUDE ANY PERSON WHO KEEPS, HARBORS, OR HAS CUSTODY, CARE OR CONTROL OF A DOG. DOGS OWNED BY MINORS SHALL BE DEEMED TO BE IN THE CUSTODY AND CONTROL OF PARENTS OR OTHER HEAD OF THE HOUSEHOLD WHERE THE MINOR RESIDES. ANY PERSON HARBORING A DOG FOR A PERIOD OF 5 DAYS SHALL BE DEEMED TO BE THE OWNER OF THE DOG FOR THE PURPOSE OF ENFORCING THIS LOCAL LAW.

3. "AT LARGE" MEANS ANY DOG THAT IS UNLEASHED AND ON PROPERTY OPEN TO THE PUBLIC OR IS ON PRIVATE PROPERTY NOT OWNED OR LEASED BY THE OWNER OF THE DOG UNLESS PERMISSION FOR SUCH PRESENCE HAS BEEN OBTAINED. NO DOG SHALL BE DEEMED TO BE AT LARGE IF IT IS: (A) A GUIDE DOG ACTUALLY LEADING A BLIND PERSON; (B) A POLICE WORK DOG IN USE FOR POLICE WORK; OR (C) ACCOMPANIED BY IT'S OWNER OR OTHER RESPONSIBLE PERSON AND IS ACTIVELY ENGAGED IN HUNTING OR TRAINING FOR HUNTING ON UNPOSTED LAND OR ON POSTED LAND WITH THE PERMISSION OF THE OWNER OF THE LAND.

4. ANIMAL (DOG) CONTROL OFFICER. THE TERM ANIMAL (DOG) CONTROL OFFICER SHALL MEAN A PERSON OR PERSONS APPOINTED BY THE TOWN FOR THE PURPOSE OF ENFORCING THIS LOCAL LAW.

5. "ALL OTHER DEFINITIONS AS CONTAINED IN ARTICLE 7 SECTION 108 OF THE AGRICULTURAL AND MARKETS LAW OF THE STATE OF NEW YORK.

SECTION 3- REGULATIONS AND RESTRICTIONS:

1. IT SHALL BE UNLAWFUL FOR ANY OWNER OF A DOG IN THE TOWN OF FREMONT TO PERMIT OR ALLOW SUCH DOG TO:
 - A. RUN AT LARGE
 - B. TO BE OFF THE OWNER'S PROPERTY UNLESS UNDER THE CONTROL OF A RESPONSIBLE PERSON ABLE TO CONTROL SUCH ANIMAL, DOGS CONTAINED IN MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY WILL BE CONSTITUTED IN COMPLIANCE WITH THIS SECTION.
 - C. ENGAGE IN HABITUAL LOUD HOWLING, BARKING OR WHINING OR TO CONDUCT ITSELF IN SUCH A MANNER AS TO HABITUALLY ANNOY ANY PERSON OTHER THAN THE OWNER OR HARBORER OF THE DOG OR CREATE A DISTURBANCE BY EXCESSIVE OR PROLONGED BARKING OR WHINING.
 - D. CAUSE DAMAGE OR DESTRUCTION TO PUBLIC OR PRIVATE PROPERTY, DEFECATE, URINATE, OR OTHERWISE COMMIT A NUSIANCE UPON THE PROPERTY OTHER THAN THE OWNER OR HARBORER OF THE DOG.
 - E. BITE, CHASE, JUMP UPON, OR OTHERWISE HARASS ANY PERSON IN SUCH MANNER AS TO CAUSE INTIMIDATION OR TO PUT SUCH A PERSON IN REASONABLE APPREHENSION OF BODILY HARM OR INJURY.
 - F. CHASE, LEAP ON OR OTHERWISE HARASS BICYCLES OR MOTOR VEHICLES.
 - G. KILL OR INJURE ANY DOG, CAT OR OTHER HOUSEHOLD PET.
 - H. BE UNLICENSED WHEN SIX MONTHS OF AGE OR OLDER.
 - I. TO NOT HAVE A CURRENT AND VALID NEW YORK STATE IDENTIFICATION TAG ON ITS COLLAR WHILE AT LARGE, WHETHER OR NOT RESTRAINED BY AN ADEQUATE LEASH.

SECTION 4- FEMALE DOGS.

ALL FEMALE DOGS SHALL BE CONFINED TO PREMISES OF THEIR OWNER WHILE SUCH ARE IN SEASON (HEAT) AND MAY NOT BE LEFT OUTSIDE UNATTENDED. ANY OWNER NOT ADHERING TO SUCH RULE WILL BE SUBJECT TO HAVING THE DOG SEIZED BY THE DOG (ANIMAL) CONTROL OFFICER AND REMOVED TO A SAFE PLACE OF CONFINEMENT.

SECTION 5- CONDITIONS FOR KEEPING DOGS.

ALL PREMISES OCCUPIED OR USED BY DOGS SHALL BE KEPT IN A CLEAN, SANITARY CONDITION, FAILURE TO PROVIDE ADEQUATE FOOD, WATER, OR SPACE SHALL SUBJECT DOGS TO SEIZURE AND CONFINEMENT. "ADEQUATE" SHALL MEAN SUFFICIENT FOR AGE, SIZE, AND NUMBER OF DOGS ON THE PREMISES.

SECTION 6- SEIZURE PROCEDURE

UPON TAKING CUSTODY OF ANY ANIMAL, THE DOG (ANIMAL) CONTROL OFFICER SHALL MAKE A RECORD OF THE MATTER, THE RECORD SHALL INCLUDE DATE OF PICK UP, BREED, GENERAL DESCRIPTION, SEX, IDENTIFICATION NUMBERS, TIME OF PICK UP, LOCATION OF RELEASE, FEES PAID, AND NAME AND ADDRESS OF OWNER, IF ANY.

SECTION 7-REDEMPTION

1. EACH DOG WHICH IS NOT IDENTIFIED, WHETHER OR NOT LICENSED, SHALL BE HELD FOR A PERIOD OF 3 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 ARTICLE AND FURTHER PROVIDED THAT THE OWNER PAYS THE FOLLOWING IMPOUNDMENT FEES:
 - A. FIFTEEN DOLLARS FOR THE FIRST IMPOUNDMENT OF ANY DOG OWNED BY THAT PERSON.
 - B. THIRTY DOLLARS FOR THE FIRST TWENTY-FOUR HOURS OR PART THEREOF AND THREE DOLLARS FOR EACH ADDITIONAL TWENTY-FOUR HOURS OR PART THEREOF FOR THE SECOND IMPOUNDMENT WITHIN ONE YEAR OF THE FIRST IMPOUNDMENT OF ANY DOG OWNED BY THAT PERSON; OR

C. FORTY-FIVE DOLLARS FOR THE FIRST TWENTY-FOUR HOURS OR PART THEREOF AND THREE DOLLARS FOR EACH ADDITIONAL TWENTY-FOUR HOURS OR PART THEREOF FOR THE THIRD AND SUBSEQUENT IMPOUNDING, WITHIN ONE YEAR OF THE FIRST IMPOUNDMENT, OF ANY DOG OWNED BY THAT PERSON.

2. PROMPTLY UPON SEIZURE OR 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 FIVE DAYS AFTER DAY OF NOTICE, DURING WHICH PERIOD THE DOG MAY BE REDEEMED BY THE OWNER. IF SUCH NOTIFICATION IS MADE BY MAIL, SUCH DOG SHALL BE HELD FOR A PERIOD OF SEVEN 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 IMPOUNDING FEES PRESCRIBED BY SUBDIVISION 1 OF THIS SECTION AND BY PRODUCING PROOF THAT THE DOG HAS BEEN LICENSED.

3. IF NOT REDEEMED THE OWNER SHALL FORFEIT ALL TITLE TO THE DOG AND IT MAY BE RELEASED TO AN AUTHORIZED HUMANE SOCIETY OR KENNEL TO BE ADOPTED OR ANESTHETIZED, OR SAID DOG SHALL BE OTHERWISE DISPOSED OF ACCORDING TO LAW.

SECTION 8- FILING COMPLAINTS.

ANY PERSON WHO OBSERVES A DOG IN VIOLATION OF ANY SECTION OF THIS LAW, MAY FILE A SIGNED COMPLAINT, UNDER OATH, WITH A JUSTICE OF THE TOWN OR WITH THE AUTHORIZED DOG CONTROL OFFICER OR ANY PEACE OFFICER, SPECIFYING THE VIOLATION, THE DATE OF VIOLATION, THE DAMAGE CAUSED AND INCLUDING THE PLACE(S) VIOLATION OCCURRED, AND NAME AND ADDRESS OF DOG OWNER, IF KNOWN.

SECTION 9- ENFORCEMENT.

1. ANY PERSON OR PERSONS WHO ARE OR MAY BE LAWFULLY AUTHORIZED BY THE TOWN OF FREMONT SHALL AND ALL PEACE OFFICERS MAY ADMINISTER AND ENFORCE THE PROVISIONS OF THIS LAW, AND FOR THIS PURPOSE SHALL HAVE THE AUTHORITY TO ISSUE SUMMONS OR APPEARANCE TICKETS AND TO SEIZE DOGS EITHER ON OR OFF THE OWNER'S PREMISES, IF WITNESSED TO BE IN VIOLATION OF THIS LAW.

2. THE SEIZURE OF ANY DOG SHALL NOT RELIEVE ANY PERSON FROM ANY VIOLATION PROVIDED FOR BY ANY SECTION OF THIS LAW.

3. NO LIABILITY IN DAMAGE OR OTHERWISE SHALL BE INCURRED ON ACCOUNT OF THE SEIZURE, AUTHORIZATION OR ADOPTION OF ANY DOG PURSUANT TO THE PROVISION OF THIS LAW.

SECTION 10- PENALTIES.

A VIOLATION OF THIS LAW SHALL CONSTITUTE A VIOLATION AS DEFINED IN THE PENAL LAW OF THE STATE OF NEW YORK, AND SHALL BE PUNISHED AS FOLLOWS:

(A) FOR A FIRST OFFENSE BY A FINE OF NOT MORE THAN TWENTY-FIVE DOLLARS EXCEPT THAT - WHERE THE PERSON WAS FOUND TO HAVE VIOLATED THIS SECTION OR FORMER ARTICLE SEVEN OF THIS CHAPTER WITHIN THE PRECEDING FIVE YEARS, THE FINE MAY BE NOT MORE THAN FIFTY DOLLARS, AND - WHERE THE PERSON WAS FOUND TO HAVE COMMITTED TWO OR MORE SUCH VIOLATIONS WITHIN THE PRECEDING FIVE YEARS, IT SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS OR IMPRISONMENT FOR NOT MORE THAN FIFTEEN DAYS, OR BOTH.

SECTION 11- PROTECTION OF DEER

1. WHENEVER THE TOWN BOARD SHALL DETERMINE THAT THE DEER POPULATION IN THE TOWN OR PART THEREOF IS SUFFERING SEVERE DEPRECIATION DUE TO DOGS ATTACKING, CHASING OR WORRYING DEER, THE TOWN BOARD MAY BY ORDER REQUIRE THAT ALL DOGS IN THE TOWN OR PART THEREOF SHALL BE SECURELY CONFINED DURING THE PERIOD OF TIME DESIGNATED IN THE ORDERING, IF NO TIME IS DESIGNATED, UNTIL THE ORDER IS REVOKED.
2. NOTICE OF SUCH ORDER SHALL BE GIVEN BY PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN WHICH SHALL BE DESIGNATED BY SUCH GOVERNING BODY AND BY FILING A COPY OF THE ORDER IN THE OFFICE OF THE TOWN CLERK. SUCH ORDER SHALL BE IN FULL FORCE AND EFFECT AT THE EXPIRATION OF TWENTY-FOUR HOURS FOLLOWING PUBLICATION OF SUCH NOTICE.
3. IF ANY DOG IS NOT CONFINED AS REQUIRED BY SUCH ORDER, ANY DOG CONTROL OFFICER OR PEACE OFFICER SHALL SEIZE SUCH DOG. ANY SO SEIZED SHALL BE SUBJECT TO THE PROVISIONS OF SECTION SEVEN OF THIS LAW. A DOG SHALL NOT BE DEEMED TO BE IN VIOLATION OF SUCH ORDER IF ACCOMPANIED BY AND UNDER THE FULL CONTROL OF THE OWNER.
4. IF ANY DOG, WHICH IS NOT CONFINED AS REQUIRED BY SUCH ORDER, SHALL ATTACK, CHASE OR WORRY ANY DEER, ANY DOG CONTROL OFFICER OR PEACE OFFICER UPON WITNESSING THE SAME SHALL DESTROY OR SEIZE AND DESTROY SUCH DOG AND NO LIABILITY IN DAMAGES OR OTHERWISE SHALL BE INCURRED ON ACCOUNT OF SUCH DESTRUCTION.
5. THIS SECTION AND ANY ORDER ISSUED PURSUANT THERETO SHALL NOT APPLY TO DOGS IN SPECIAL DOG TRAINING AREAS OR SHOOTING PRESERVES ENCLOSED AND LICENSED PURSUANT TO THE PROVISIONS OF THE ENVIRONMENTAL CONSERVATION LAW. WHILE SUCH DOGS ARE UNDER THE CONTROL OF THE OWNER OR TRAINER.

SECTION 12-NIGHT QUARANTINE

1. THE TOWN BOARD MAY AT ANY TIME BY ORDER REQUIRE THAT ALL DOGS IN THE TOWN SHALL BE SECURELY CONFINED BETWEEN SUNSET AND ONE HOUR AFTER SUNRISE DURING THE PERIOD OF TIME DESIGNATED IN THE ORDER, OR IF NO TIME IS DESIGNATED, UNTIL THE ORDER IS REVOKED.
2. NOTICE OF SUCH ORDER SHALL BE GIVEN BY PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN WHICH SHALL BE DESIGNATED BY SUCH GOVERNING BODY AND BY FILING A COPY OF THE ORDER IN THE OFFICE OF THE TOWN CLERK.
3. ANY DOG CONTROL OFFICER OR PEACE OFFICER SHALL DESTROY OR SEIZE ANY DOG NOT CONFINED AS REQUIRED BY SUCH ORDER, AND NO LIABILITY IN DAMAGES OR OTHERWISE SHALL BE INCURRED ON ACCOUNT OF SUCH DESTRUCTION OR SEIZURE. ANY DOG SO SEIZED SHALL BE SUBJECT TO THE PROVISIONS OF SECTION SEVEN OF THIS LAW. A DOG SHALL NOT BE DEEMED TO BE IN VIOLATION OF SUCH ORDER IF ACCOMPANIED BY AND UNDER THE FULL CONTROL OF THE OWNER.

SECTION 13- LICENSING AND FEES.

COMMENCING ON OCTOBER 1, 1979, THE LICENSE FEES FOR DOGS SHALL BE AS FOLLOWS:

- (A) \$2.50 FOR SPAYED OR NEUTERED DOG; \$7.50 FOR AN UNSPAYED OR UNNEUTERED DOG.

SECTION 14- VIOLATIONS.

NO PERSON SHALL HINDER, RESIST, OR OPPOSE THE DOG CONTROL OFFICER, PEACE OFFICER OR OTHER PERSON(S) AUTHORIZED TO ADMINISTER OR ENFORCE THE PROVISIONS OF THIS LAW IN THE PERFORMANCE OF THE OFFICER'S DUTIES UNDER THIS LAW.

SECTION 15- NON-LIABILITY OF TOWN.

THE OWNER OR HARBORER OF ANY DOG SO DESTROYED UNDER THE PROVISIONS OF THIS LAW, WHETHER DESTROYED BY DOG CONTROL OFFICER, PEACE OFFICER, OR RELEASED TO AN AUTHORIZED HUMANE SOCIETY OR VETERINARIAN, SHALL NOT BE ENTITLED TO ANY COMPENSATION, AND NO ACTION SHALL BE MAINTAINABLE THEREAFTER TO RECOVER THE VALUE OF SUCH DOG OR ANY OTHER TYPE OF DAMAGE.

SECTION 16- REPEALS.

ANY AND ALL ORDINANCES OR LAW PREVIOUSLY ADOPTED, PERTAINING TO DOGS AND THE MUZZLING, RESTRICTION AND CONTROL THEREOF, ARE HEREBY REPEALED.

SECTION 17- VALIDITY.

IF ANY PART OR PARTS OF THIS LOCAL LAW SHALL BE HELD TO BE INVALID, SUCH INVALIDITY SHALL NOT EFFECT THE VALIDITY OF THE REMAINING PARTS OF THIS LOCAL LAW.