

Town of Otsego Dog Ordinance

1. TITLE

This ordinance shall be known as the Dog Ordinance of the Town of Otsego, Otsego County, New York.

2. PURPOSE

Purpose of this ordinance shall be to preserve the public peace and good order in the Town of Otsego and to contribute to the public welfare, safety and good order of its people by enforcing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of the owners of dogs and the rights and privileges of other citizens of the Town of Otsego.

3. DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated:

Dogs - Both male and female dogs, except where the context requires otherwise.

Owner - Includes any person who owns, keeps, harbors or has the care, custody 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 two (2) weeks prior to the filing of any complaint charging a violation of this ordinance shall be held and deemed to be the owner of the dog for the purpose of this ordinance.

At Large - An unleashed dog off the premises of the owner.

Leashed or Restrained by a Leash - The dog is equipped with a collar or harness to which is attached a leash, both the collar or harness and the leash to be of sufficient strength to restrain the dog, and which leash shall be held by a person having the ability to control and restrain the dog by means of the collar or harness and the leash.

Dog Control Officer - a person or persons appointed by the Town of Otsego for the purpose of enforcing this chapter, and for the purposes of this chapter, such Dog Control Officer is deemed to be a peace officer and a Deputy of the Town Clerk

Under Voice Control - the term under voice control shall mean the dog is not more than forty (40) feet distant from the person in control and the dog has been fully trained to obey commands of said person to heel.

Harbor - to provide food or shelter

4. REGULATIONS AND RESTRICTIONS

A. All dogs in the Town of Otsego are hereby required to be restrained by a leash while off the owner's premises. Whether such dogs are or are not tagged or licensed; provided however, that dogs are permitted to be unleashed while off the owner's premises when under voice control or its owner or any member of the owner's household, or when on the premises of another person with such person's consents, or when hunting in company with a hunter or hunters, and no person who owns, keeps, harbors or has the care, custody or control of any dog in the Town of Otsego shall permit such dog to be at large or unleashed in said Town, except as permitted by this ordinance.

B. Dangerous Dogs. The owner of any dog which shows vicious or dangerous characteristics shall at all times restrain and control such dog so as to prevent injury to persons lawfully conducting themselves, and so as to prevent such dogs from putting any person lawfully conducting himself in fear of immediate bodily harm. The owner shall also restrain and control such dog so as to prevent it from running at large with a pack of other dogs and from chasing automobiles, moving vehicles, other animals, and children.

C. Female Dogs. Any female dog shall be confined to the premises of the owner while such female dog is in season.

D. Howling Dogs. No person shall keep or harbor a dog, which howls or barks habitually or continuously so as to disturb the peace and quiet of other persons.

E. Property Damage. The owner of a dog shall not permit such dog, even though leashed, to do any of the following acts:

(1) Damage or deface property not belonging to the owner of the dog.

(2) Deposit waste or commit a nuisance on the private property of a person or party other than that of the owner of the dog.

5. POTENTIALLY RABID DOGS.

The Dog Control Officer or any Peace Officer or Police Officer is hereby authorized to seize and direct the confinement of any dog which is reported to have attacked or injured a human being. Any such dog shall be confined by the Town for such length of time as may be necessary for the purpose of determining whether such dog is affected by rabies, and, if so affected, it will be destroyed.

The owner of such dog shall upon demand deliver the possession of such dog to the Dog Control Officer or any other officer authorized to seize the same, and shall upon demand pay the Town of Otsego the cost of confinement and treatment of the dog.

6. UNTAGGED DOGS.

Any Dog Control Officer or Peace Officer or Police Officer, of the Town of Otsego shall seize any dog found at large not wearing the license tag required by Article 7 of the Agriculture and Markets Law of the State of New York.

7. SEIZURE OF DOGS: ADMINISTRATION.

A. Any Dog Control Officer or Peace Officer or Police Officer of the Town shall seize any dog, which is found at large and is in violation of Section 4 of this ordinance at the time when so found at large.

B. After complaint and hearing, a Town Justice of the Town of Otsego may direct any dog owner who is in violation of Sections 4, 5, or 6 to dispose of the offending dog or to deliver the same to the Dog Control Officer for humane destruction.

C. Every dog so seized shall be properly fed and cared for at the expense of the owner until disposition thereof, as herein provided, and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.

D. If any dog is seized for a violation of Section 4 or 5 hereof only and the dog is wearing a license tag, the Dog Control Officer or Peace Officer shall ascertain the owner of the dog and shall give immediate notice to the owner or an adult member of his family, with a notice in writing stating that the dog has been seized and will be destroyed unless redeemed as herein provided, unless the court shall rule otherwise.

E. 1. If a dog is seized for a violation of Section 4A hereof only and the dog is wearing a license tag, the owner may redeem the dog within seven (7) days by paying the Town Clerk or authorized Deputy the actual costs involved to seized, transport, feed ad maintain the dog so seized plus a seizure fee to be set from time to time by the Town Board and paid to the Town Clerk prior to release of the dog.

2. If a dog is seized a second time for a violation of Section 4A, the owner may redeem the dog within sever (7) days by paying the Town Clerk or Authorized Deputy the actual costs involved to seize, transport, feed and maintain the dog so seized plus a seizure fee to be set from time to time by the Town Board and paid to the Town Clerk prior to release of the dog.

3. If a dog is seized a third time for a violation of Section 4A, the owner may redeem the dog within seven (7) days by paying the Town Clerk or authorized Deputy the actual costs involved to seize, transport, feed and maintain the dog so seized plus a seizure fee to be set from the time by the Town Board and paid to the Town Clerk prior to release of the dog.

F. 1. If any dog is seized pursuant to section 6 hereof only, the owner may redeem the dog within five (5) days by producing to the person seizing the dog a license for the dog and by paying to the Town Clerk the costs involved as outlined in E. 1.

2. If any dog is seized a second time pursuant to Section 6 the owner may redeem the dog within five (5) days by producing to the person seizing the dog a license for the dog and by paying the Town Clerk the costs involved as outlined in E. 2.

3. If any dog is seized a third time pursuant to Section 6 the owner may redeem the dog within five (5) days by producing to the person seizing the dog a license for the dog and by paying to the Town Clerk the costs involved as outlined in E. 3.

G. If an owner is entitled to redeem a dog pursuant to subsections E and F above and if not redeemed, the owner shall forfeit all title to the dog and the dog shall be sold or caused to be destroyed by the Peace Officer of the Dog Control Officer. In the case of sale, the purchaser must pay the purchase price to the Town Clerk and, if the dog is not licensed, obtain a license of the dog. The person who destroys a dog shall immediately dispose of the same and make a written report of such disposition to the Town Clerk, so shall keep a record thereof. If ownership of a dog is forfeited the owner shall nevertheless bear the financial responsibility for adoption or destruction and the Town Clerk shall immediately apply to the Justice Court for a Judgment if the owner fails to pay these expenses within 10 days.

8. JURISDICTION

Any Town Justice of the Town of Otsego shall have jurisdiction to hear all complaints under this ordinance, and of all actions and proceedings hereunder, and of all prosecutions for the violation of this ordinance.

9. COMPLAINTS AND ENFORCEMENT

A. Any person who observes or has knowledge of a dog violating any section of this ordinance may file a verified signed complaint under oath with a Town Justice of the Town of Otsego, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog. Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice shall summon the alleged owner or other person harboring said dog to appear in person before him; if the summons is disregarded, the Town Justice shall issue a warrant for the arrest of the accused.

B. The Dog Control Officer or a Peace Officer or Police Officer observing a violation of this ordinance in his presence may issue and serve an appearance ticket for such violation. The appearance ticket shall be in the form prescribed by the Town Board by resolution in accordance with the provisions of Section 126 of the Agriculture and Markets Law and this ordinance. The effect of such violation will be the same as a violation of the New York State Penal Code.

10. DUTY OF THE DOG CONTROL OFFICER

It shall be the duty of the Dog Control Officer to enforce the provisions of this ordinance and to seize all dogs found at large in violation of this ordinance or which are ordered seized by the Town Justice of the Town of Otsego.

11. PENALTIES FOR OFFENSES

The violation of this ordinance shall be deemed an offense against the within ordinance, and violation of this ordinance shall be punishable by a fine of minimum of \$25 and a maximum of \$50 for a first offense, for a second offense to a minimum of \$25 and a maximum of \$100, and for a third offense and all subsequent violations a minimum of \$25 and maximum of \$150 or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each separate offense shall constitute a separate additional violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the Agriculture and Markets Law.

12. SEVERABILITY

The sections, subsections, sentences, clauses and phrases of this ordinance are several, and, if any such portion shall be declared invalid, the remainder of the ordinance shall not be affected thereby and shall remain in force and effect.

13. WHEN EFFECTIVE

This ordinance shall take effect upon its publication and posting as required by law.