

**TOWN OF PLATTSBURGH
LOCAL LAW NO. 3 OF THE YEAR 2009**

- Section 1. Title. A Local Law entitled "A Local Law Regulating the Control of Dogs in the Town of Plattsburgh and Revoking in their Entirety the Following Local Laws: (1) Local Law No. 3 for 1985, (2) Local Law No. 3 for 1992, and (3) Local Law No. 4 for 1992."
- Section 2. Purpose. The Town of Plattsburgh finds that the running at large and other uncontrolled behavior of dogs have caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property within the Town. The Town Board of the Town of Plattsburgh hereby supplements the provisions of the New York State Agriculture and Markets Law so as to prohibit situations and incidents which are not proscribed by said law, and imposes restrictions and regulations upon the keeping and running at large of dogs and the seizure thereof. The specific intent of this Local Law is to make town wide the regulation for the control of dogs in the Town of Plattsburgh and to revoke in their entirety the following Local Laws: (1) Local Law No. 3 for 1985, (2) Local Law No. 1 for 1986, (3) Local Law No. 3 for 1992, and (4) Local Law No. 4 for 1992.
- Section 3. Authority. This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York.
- Section 4. Definition of Terms. As used in this Local Law, the meanings of the respective terms are as follows:

Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law, as amended by this Local Law, and as amended thereafter.

Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

Owner. The party purchasing the license, unless the dog is or has been lost and such loss reported to the Dog Control Officer and reasonable search has been made. If an animal is not licensed, the term of "owner" shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal 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 Local Law shall be held and deemed to be the owner of such dog for the purpose of this Local Law. In the event any dog found to be in violation of this chapter shall be owned by 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 the said dog and violation of this Local Law.

At Large. Off the premises of the owner.

Leash. The "dog" is equipped with a collar or harness to which is attached a "leash" constructed of materials of sufficient strength to restrain the "dog" and which "leash" shall be secured, or when being held by a person, have the ability to control and restrain the "dog".

Run at Large. Run at large shall mean to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

Harbor: To provide food or shelter to any dog.

Section 5. Prohibited Acts. It shall be unlawful for any owner of any dog in the Town of Plattsburgh to permit or allow such dog to do any of the following acts:

(a) damage, deface or destroy property of any kind.

(b) chase, attack or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or, injury in any place where such person may lawfully be.

(c) engage in habitual loud howling or barking or to conduct itself in such a manner as to habitually annoy any person other than the owner.

(d) habitually chase or bark at motor vehicles, motorcycles, tricycles, bicycles or baby carriages (strollers), or persons jogging, running or walking.

(e) upset garbage cans, deposit garbage or trash, urinate or defecate waste upon the premises of another person other than the owner.

(f) attack, chase, injure or kill any domestic animal, dog or cat of another person when such animal is any place where it may lawfully be.

(g) allow a female dog to run at large when in heat. Such dog shall be confined to the owner's premises during such period.

(h) no dog shall be at large, or allowed to run at large within the Town, unless leashed and accompanied by the owner or a responsible person able to control the dog.

For the purposes hereof, when any dog is at large, contrary to the provisions of this Local Law, and commits any of said acts, the owner or person in control shall be deemed to have permitted or suffered the dog to have committed such acts.

Section 6. Enforcement. The enforcement of this Local Law shall be as follows:

This Local Law shall be enforced by the Dog Control Officer.

The Dog Control Officer observing a violation of this Local Law in his presence shall issue and serve on the owner an appearance ticket for such violation, which appearance ticket shall be in the form prescribed by the Criminal Procedure Law of this State and returnable before a Town Justice of the Town.

Any person who observes a violation of this Local Law may file a sworn statement or simplified information alleging a violation of this Local Law with a Town Justice of the Town specifying the conduct of the dog which violates this Local Law, the date and place thereof, a description of the dog and the name and residence, if known, of the owner or other person who had control of said dog.

Upon receipt by the Town Justice of any complaint alleging a violation of this Local Law, the Town Justice may summon the alleged owner to appear before him; if the summons is disregarded, the Town Justice may issue a warrant for the arrest of the alleged owner.

Section 7. Warnings. The Dog Control Officer empowered to enforce this Local Law shall have the authority in his or her sole discretion to issue only a warning at the time of a first offense rather than enforcement as provided for in Section 6. The warning shall be in writing and in form similar to an appearance ticket and shall be issued to the owner of the dog.

Section 8. Seizure, Impoundment, Redemption and Adoption.

Any dog found in violation of this Local Law may be seized pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time, by the Dog Control Officer of the Town pursuant to his or her required duties.

Any dog so seized may be held subject to redemption by the owner, all pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time.

The owner of a seized dog may redeem the dog upon payment of the following impoundment fees:

(i) Fifty (\$50.00) Dollars for the first impoundment of any dog owned by that person;

(ii) For a second or subsequent impoundment, the impoundment fee shall be One Hundred (\$100.00) Dollars for the first twenty four (24) hours or any part thereof that the dog is impounded, plus Twenty Five (\$25.00) Dollars for each additional twentyfour (24) hours or any part thereof that the dog is impounded plus all other normal fees associated with the impoundment.

Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanasia subject to the provisions of Section 118 of the Agriculture and Markets Law.

The seizure of any dog or its redemption shall not relieve any person from any violation of this Local Law or penalty prescribed by Section 12 hereof.

No action shall be maintained against the Town, any Dog Control Officer or Peace Officer when acting pursuant to his or her special duties, or any other agent or officer of the Town or person under contract to said Town to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or the Agriculture and Markets Law.

Section 9. Appearance Ticket. The Dog Control Officer, when acting pursuant to his or her special duties when observing a violation of this Local Law in his or her presence may issue and serve an appearance ticket for such violation.

Section 10. Complaint. Any person who observes a dog in violation of this Local Law may file a complaint under oath with a Town Justice specifying the nature of this violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog.

Upon receipt by the Town Justice of any such complaint, he or she shall summon the alleged owner to appear in person before him or her for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted, he or she may order such remedy as may be warranted by the circumstances in such case.

A violation of any order issued by a Town Justice under the provisions of this Section shall be an offense punishable, upon conviction thereof, as provided in Section 12 of this Local Law.

Section 11. Compensation for Dogs Destroyed. The owner, possessor or harbinger of any dog destroyed under the provisions of this Local Law shall not be entitled to compensation and no action shall be maintained thereafter to recover the value of the dog.

Section 12. Penalties. Any person who violates this Local Law or knowingly permits the violation of this Local Law or any of the provisions thereof shall be deemed to have committed an offense under this Local Law and any person convicted of any such violation after investigation and hearing shall be punishable by a penalty of not more than Two Hundred Fifty (\$250.00) Dollars, or imprisonment for a period not exceeding fifteen (15) days for each violation.

In addition to the fines above provided, any judge or justice may also, if the circumstances in his discretion so warrant, order the permanent confinement of a dog by the owner thereof.

In the event of failure of the owner to contain a dog, such dog may, upon order of any judge or justice, be euthanized subject to the provisions of subdivision 374 of the Agriculture and Markets Law.

Section 13. Separability. If any one or more of the provisions of this Local Law is held to be invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect.

Section 14. License Fees. This Local Law shall not revoke, amend or otherwise apply to dog license fees in the Town of Plattsburgh as presently existing or hereafter established.

Section 15. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

**TOWN OF PLATTSBURGH
LOCAL LAW NO. 4 OF THE YEAR 2009**

- Section 1. Title. The title of this Local Law shall be "A Local Law Regulating the Sheltering of Dogs in the Town of Plattsburgh."
- Section 2. Purpose. The purpose of this Local Law is to protect the health and safety of dogs within the Town of Plattsburgh.
- Section 3. Authority. This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York.
- Section 4. Definition of Terms. As used in this Local Law, the following words shall have the following respective meanings:

Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law, as amended by this Local Law, and as amended thereafter.

Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

Owner. The party purchasing the license. If an animal is not licensed, the term of "owner" shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal 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 Local Law shall be held and deemed to be the owner of such dog for the purpose of this Local Law. In the event any dog found to be in violation of this chapter shall be owned by 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 the said dog and violation of this Local Law.

Physical Condition. Physical condition shall include any special medical needs of a dog due to disease, illness, injury, age or breed about which the owner or person with custody of the dog should be aware.

Inclement Weather. Inclement weather shall mean weather conditions that are likely to adversely affect the health or safety of the dog, including but not limited to rain, sleet, ice, snow, wind or extreme heat and cold.

Dogs that are left Outside. Dogs that are left outside shall mean dogs that are outdoors in inclement weather without ready access to, or the ability to

enter, a house, apartment building, office building or any other permanent structure.

Section 5. Prohibited Acts. It shall be unlawful for any owner of any dog in the Town to allow such dog to:

Be left outside without appropriate shelter taking into consideration its breed, physical conditions and the climate to which it is being exposed.

Be left restrained in any manner outside exposed to sunlight without shade of any type when said sunlight is likely to threaten the health of the dog.

Be subject to inclement weather by failing to provide adequate housing that must:

(a) have a waterproof roof

(b) be structurally sound with insulation appropriate to local climatic conditions and sufficient to protect the dog from inclement weather

(c) be constructed to allow each dog adequate freedom of movement to make normal postural adjustments, including the ability to standup, turn around and lie down with his limbs outstretched

(d) allow for effective removal of excretions, other waste material, dirt and trash. The housing facility and the immediate area around it shall be regularly cleaned to maintain a healthy and sanitary environment and minimize health hazards.

Inadequate shelter may be indicated by the appearance of the housing facility itself, including but not limited to size, structural soundness, evidence of crowding within the housing facility, healthful environment in the immediate area surrounding such facility or by the physical condition of the dog.

Establishment of the fact or facts that the owner has committed any of the acts prohibited by Section 5 of this Local Law shall be presumptive evidence against the owner of such dog that he or she has failed to properly shelter his or her dog.

Section 6. Enforcement. The enforcement of this Local Law shall be as follows:
This Local Law shall be enforced by the Dog Control Officer.

The Dog Control Officer observing a violation of this Local Law in his presence shall issue and serve on the owner an appearance ticket for such violation, which appearance ticket shall be in the form prescribed by the

Criminal Procedure Law of this State and returnable before a Town Justice of the Town.

Any person who observes a violation of this Local Law may file a sworn statement or simplified information alleging a violation of this Local Law with a Town Justice of the Town specifying the conduct of the dog which violates this Local Law, the date and place thereof, a description of the dog and the name and residence, if known, of the owner or other person who had control of said dog.

Upon receipt by the Town justice of any complaint alleging a violation of this Local Law, the Town justice may summon the alleged owner to appear before him; if the summons is disregarded, the Town justice may issue a warrant for the arrest of the alleged owner.

Section 7. Warnings. The Dog Control Officer empowered to enforce this Local Law shall have the authority in his or her sole discretion to issue only a warning at the time of a first offense rather than enforcement as provided for in Section 6. The warning shall be in writing and in form similar to an appearance ticket and shall be issued to the owner of the dog.

Section 8. Seizure, Impoundment, Redemption and Adoption.

Any dog found to be suffering from inadequate shelter in violation of this Local Law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.

Seized dogs may be redeemed by producing proof of appropriate shelter and by paying the impoundment fees set forth below:

(i) Fifty Dollars (\$50.00) for the first twenty four (24) hours or any part thereof that the dog is impounded, plus Twenty Five (\$25.00) Dollars for each additional twenty four (24) hours or any part thereof that the dog is impounded plus all other normal fees associated with the impoundment.

If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this Section whether or not such owner chooses to redeem his or her dog.

Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanasia subject to the provisions of Section 118 of the Agriculture and Markets Law.

No action shall be maintained against the Town or any Dog Control Officer, when acting pursuant to his or her special duties, or any other agent or officers of the Town or person under contract to said Town to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or the Agriculture and Markets Law.

Section 9. Appearance Ticket. Any Dog Control Officer, when acting pursuant to his or her special duties, observing a violation of this Local Law in his or her presence may issue and serve an appearance ticket for such violation.

Section 10. Complaint.

Any person who observes a dog owner in violation of this Local Law may file a complaint under oath with a Town Justice specifying the nature of this violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog.

Upon receipt by the Town Justice of any such complaint, he or she shall summon the alleged owner to appear in person before him or her for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted, he or she may order such remedy as may be warranted by the circumstances in such case.

A violation of any order issued by a Town Justice under the provisions of this Section shall be an offense punishable, upon conviction thereof, as provided in Section 12 of this Local Law.

Section 11. Compensation for Dogs Destroyed. The owner, possessor or harbinger of any dog destroyed under the provisions of this Local Law shall not be entitled to compensation and no action shall be maintained thereafter to recover the value of the dog.

Section 12. Penalties. Any person who violates this Local Law or knowingly permits the violation of this Local Law or any of the provisions thereof shall be deemed to have committed an offense under this Local Law and any person convicted of any such violation after investigation and hearing shall be punishable by a penalty of not more than Two Hundred Fifty (\$250.00) Dollars, or imprisonment for a period not exceeding fifteen (15) days for each violation.

Section 13. Separability. Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be

deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 14. License Fees. This Local Law shall not revoke, amend or otherwise apply to dog license fees in the Town of Plattsburgh as presently existing or hereafter established.

Section 15. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York. Forms involved with commencement of legal actions do not have their genesis in Article 7 of the AML, therefore; the Department of Agriculture and Markets has no statutory obligation to furnish such forms or offer advice on their usage. These forms may be obtained from legal supply companies and must be furnished by the municipality.