

Chapter 119

DOGS AND OTHER ANIMALS

[HISTORY: Adopted by the Town Board of the Town of Pendleton: Art. I, 12-30-1963; Art. II, 11-4-1992 as L.L. No. 6-1992. Amendments noted where applicable.]

ARTICLE I Dog Licensing [Adopted 12-30-1963]

§ 119-1. Definitions.

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

DOG — Any member of the species *Canis familiaris*, whether male or female, which is six (6) months of age or older.¹

§ 119-2. License required.

No person shall own and/or harbor a dog in the Town of Pendleton unless licensed as provided in § 109 of the Agriculture and Markets Law of the State of New York.

§ 119-3. Penalties for offenses.²

Any violation of this Article is punishable under § 119 of the Agriculture and Markets Law.

ARTICLE II Dog Control [Adopted 11-4-1992 as L.L. No. 6-1992]

§ 119-4. Findings; purpose.

The Town of Pendleton, New York finds that the uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created a nuisance within the town. The purpose of this Article is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping of dogs and the seizure thereof within the town.

§ 119-5. Authority.

This Article is enacted pursuant to the provisions of § 124 of Article 7 of the Agriculture and Markets Law.

1. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

2. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 119-6. Title.

The title of this Article shall be the "Dog Law of the Town of Pendleton."

§ 119-7. Definitions.

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

HARBOR — To provide food or shelter to any dog.

OWNER — Any person who harbors or keeps any dog. In the event that any dog found in violation of this Article shall be owned by a person under eighteen (18) years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

§ 119-8. Restrictions.

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

- A. Repeatedly trespass on private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained.
- B. Engage in sustained and repeated loud vocalization so as to repeatedly annoy any person.
- C. Cause damage or destruction to property or repeatedly commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog. The owner of any dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the local health authority.
- D. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E. Habitually chase, run alongside of or bark at motor vehicles or bicycles in the road right-of-way or on property other than that of the owner of the dog.
- F. Be in any town park or designated area in the town unless under the control of a competent person and on a six-foot lead for any reason except for dog shows or other functions approved by the Town Board.
- G. Be in the town park on any Fourth of July after dusk.

§ 119-9. Enforcement.

This Article shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or any police officer within the jurisdiction of the Town of Pendleton.

§ 119-10. Seizure, impoundment, redemption and adoption.

- A. Any dog found in violation of the provisions of § 119-8 of this Article may be seized pursuant to the provisions of § 118 of the Agriculture and Markets Law.
- B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in § 118 of the Agriculture and Markets Law.
- C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees as follows:
 - (1) Fifty dollars (\$50.) for seizure costs.
 - (2) Plus fifteen dollars (\$15.) per day for kenneling.
- D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subsection C of this section, whether or not such owner chooses to redeem his or her dog.
- E. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption pursuant to the provisions of § 118 of the Agriculture and Markets Law.

§ 119-11. Night quarantine.

- A. The Town Board of the Town of Pendleton, to protect the health of the residents of the town for reasons such as rabies outbreak, may at any time by resolution require that all dogs in such municipality shall be securely confined between sunset and 6:30 a.m. prevailing time for the period of time designated in the resolution or, if no period of time is so designated, until the resolution is revoked. Such resolution shall not apply to hunting dogs while in the control of the owner or health-aid dogs, such as Seeing Eye dogs.
- B. Any dog control officer or peace officer may seize any dog not confined as required by such resolution, and no liability in damages or otherwise shall be incurred on account of such seizure. Any dog so seized shall be subject to the provisions of § 118 of the Agriculture and Markets Law. A dog shall not be deemed to be in violation of such resolution if accompanied by and under the full control of the owner.
- C. Notice of such resolution shall be given by publication in the official town newspaper(s) and by filing a copy of the resolution in the office of the Town Clerk.

§ 119-12. Complaints.

Any person who observes a dog in violation of this Article may file a written complaint under oath with the Dog Control Officer or any police officer of the Town of Pendleton 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. Only such complaint may serve as the basis for enforcing the provisions of this Article. The owner of such dog must be notified by the Dog Control Officer of the complaint and the complainant's identity.

§ 119-13. Appearance ticket.

Any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Pendleton 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 and file a supporting deposition within the Town Justice Court before the return date of the appearance ticket.

§ 119-14. Penalties for offenses.

- A. Any person convicted of a violation of this Article shall be liable to a civil penalty not exceeding fifty dollars (\$50.) for a first violation, not exceeding one hundred dollars (\$100.) for a second violation and not exceeding two hundred fifty dollars (\$250.) for each subsequent violation.
- B. The Dog Control Officer shall file a complaint with a Town Justice for any dog confined for a violation of this Article or New York State Law for a third occurrence, and the Town Justice shall determine the appropriate penalty, which may include the dog being seized without redemption.