

DOG CONTROL ORDINANCE OF
THE TOWN OF CROWN POINT,
ESSEX COUNTY, STATE OF NEW YORK

SECTION 1. Purpose. The Town of Crown Point, Essex County, State of New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this Ordinance is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

SECTION 2. Authority. This Ordinance is enacted pursuant to Section 124 of Article A 7 of the Agriculture and Markets Law.

SECTION 3. Title. The title of this Ordinance shall be: "Dog Control Ordinance of the Town of Crown Point."

SECTION 4. Definitions.

(a) "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this Ordinance shall be owned by a person under 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).

(b) "Harbor" means to provide food or shelter to any dog.

(c) "At large" means any dog who 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) accompanied by and under the immediate supervision and control of the owner or other responsible person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with permission of the owner of the land.

SECTION 5. Restrictions. It shall be unlawful for any owner of any dog to permit or allow such dog in the Town of Crown Point to:

- (a) be at large;
- (b) engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person;
- (c) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog;
- (d) chase or otherwise harrass 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.

SECTION 6. Enforcement. This Ordinance shall be enforced by the Dog Control Officer of the Town of Crown Point.

SECTION 7. Seizure, Impoundment, Redemption and Adoption.

(a) Any dog found in violation of the provisions of Section 5 of this Ordinance may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law of the State of New York.

(b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods as set forth in Section 118 of the Agriculture and Markets Law of the State of New York.

(c) Seized dogs shall be held for a period of five (5) 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 Article 7 of the Agriculture and Markets Law and further provided that the owner pays the following impoundment fees:

1. Twenty Dollars (\$20.00) for the first impoundment of any dog owned by that person;
2. Forty Dollars (\$40.00) for the first twenty-four hours or part thereof and Six Dollars (\$6.00) 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

3. Sixty Dollars (\$60.00) for the first twenty-four hours or part thereof and Six Dollars (\$6.00) for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment of any dog owned by that person.

(d) Promptly upon seizure of 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 seven (7) 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 nine (9) 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 impoundment fees hereinabove set forth and by producing proof that the dog has been licensed.

(e) An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized subject to the provisions of Section 374 of the Agriculture and Markets Law.

(f) No liability and damages or otherwise shall be incurred on account of the seizure, euthanization or adoption of any dog pursuant to the provisions of this Ordinance and the Agriculture and Markets Law of the State of New York.

(g) All impoundment fees shall be the property of the Town of Crown Point and shall be used only for controlling dogs and enforcing this Ordinance.

SECTION 8. Complaint. Any person who observes a dog in violation of this Ordinance may file a complaint under oath with a Justice of the Town of Crown Point specifying the nature of the violation, the date thereof, description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Ordinance.

SECTION 9. Appearance Ticket. The Dog Control Officer for the Town of Crown Point, having reasonable cause to believe that a person has violated this Ordinance, shall issue and serve upon such person an appearance ticket for such violation.

SECTION 10. Violations.

1. It shall be a violation, punishable as hereinafter set forth, for:

(a) any owner to fail to license any dog;

(b) any owner to fail to have any dog identified as required by the Agriculture and Markets Law of the State of New York;

(c) any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs or purebred license tags;

(d) any owner of any dangerous dog to fail to confine or destroy such dog upon order of any Judge or Justice as provided in Section 121 of the Agriculture and Markets Law of the State of New York;

(e) any owner to fail to securely confine any dog as required by an order issued pursuant to Section 122 or Section 123 of the Agriculture and Markets Law of the State of New York;

(f) any owner or custodian of any dog to fail to confine or restrain or present such dog for any lawful purpose pursuant to this Ordinance or the Agriculture and Markets Law of the State of New York;

(g) any person to furnish any false or misleading information on any form required to be filed by the Dog Control Officer.

2. It shall be the duty of the Dog Control Officer to bring an action against any person who has committed any of the above violations within the Town of Crown Point. A violation of this section shall be punishable as follows:

(a) A penalty of not more than Twenty-five Dollars (\$25.00), except that when the person has violated this section within the preceding five (5) years, the civil penalty may be not more than Fifty Dollars (\$50.00), and where the person has been found to have

committed two or more such violations within the preceding five years, the civil penalty may be not more than One Hundred Dollars (\$100.00).

SECTION 11. Separability. Each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 12. Repealer. This Ordinance shall supersede all prior Ordinances, rules and regulations relative to the control of dogs within the Town of Crown Point and they shall, upon the effective date of this Ordinance, become null and void.

SECTION 13. Effective Date. This Ordinance shall take effect as per Section 133 of the Town Law of the State of New York.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF CROWN POINT, ESSEX COUNTY,
STATE OF NEW YORK

Dated: June 8, 1989