

# Local Law Filing

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County of Delaware  
Town of Sidney

Local Law No. 1 of the year 2011

A local law “Dog Control Law for Town of Sidney”

Be it enacted by the Town Council, Town of Sidney as follows:

Section 1: Purpose: The Town Board of the Town of Sidney finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town.

Section 2: Authority: This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59: Part T) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3: Title: The Title of this Law shall be the Dog Control Law of the Town of Sidney.

Section 4: Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

(a) “Dog” means male and female, licensed and unlicensed, members of the specis canis familiaris.

(b) “Owner” means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog in not licensed, the term 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 dog 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 filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter. If an owner shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog shall be responsible for any acts of the said dog in violation of this Local Law.

(c) “Run at Large” shall mean to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.

(d) “Town” shall mean the Town of Sidney.

(e) “Leashed” shall mean restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

(f) “Dog Control Officer” shall mean a person or persons appointed by the Town for the purpose of enforcing this local law.

(g) “Habitual” shall mean occurring on two or more occasions within a seven day period, and each occasion having a duration of thirty minutes or longer.

Section 5: Restrictions and Regulations: It shall be unlawful for any owner of a dog in the Town of Sidney to permit or allow such dog to:

- (a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Engage in habitual and loud howling, barking, crying or whining or to conduct itself in such a manner as to unreasonably and habitually disturb the comfort or repose of any person other than the owner or harbinger of such dog.
- (c) Uproot, dig, or otherwise cause damage or destruction to any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.
- (d) Bite, chase, leap upon or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
- (f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner(s) of such property.
- (g) All female dogs shall be confined to premises of their owner while such are in season(heat) and may not be left outside unattended.
- (h) Any owner not adhering to Paragraph g, Section 5 will be subject to having the dog seized by the Dog Control Officer and removed to a safe place of confinement.
- (i) Kill or injure any dog, cat or other household pet.

Section 6: Licensing of Dogs:

- (a) All dogs in the Town of Sidney must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- (b) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.
- (c) Fees for Licensing of Dogs:

The fee for a spayed or neutered dog will be \$6.00, (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$15.00, (which included the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

(d) Enumeration Fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed and/or renewed at the time the enumeration is conducted.

(e) Purebred License: The Town of Sidney will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

#### Section 7: Seizure Procedure and Fees:

(a) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the Town of Sidney for such service; Second Offense: \$60.00, plus impoundment and euthanasia fees per animal.

(b) The Dog Control Officer or any Peace Officer shall seize: Any unlicensed dog whether on or off the owner's premises, and/or any dog not wearing a tag, and after January 1, 2011, not identified, and which is not on the owner's premises and/or any dog found in violation of paragraphs (a)-(h) of Section 5 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law. The Dog Control Officer or Peace Officer shall ensure and see that the order of the Town Justice of the Town of Sidney in such case is carried out.

(c) The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve and appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.

(d) Upon taking custody of any animal, the Dog Control Officer shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification number, time of pickup, location of release and name and address of owner, if any. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than four (4) days. If a dog seized is wearing an identification number, the owner shall be promptly notified, whether in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven (7) days; if notified by mail, no less than nine (9) days. The owner of the dog shall be responsible for any impoundment fee established by the Town, plus any other expenses incurred by the municipality to humanely care for the dog. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

(e) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Sidney 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. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

Section 8: Penalties: Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 9: 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 10: Repealer: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Sidney, and they shall be upon the effectiveness of this Local Law, null and void.

Section 11: Effective Date: This Local Law shall be effective January 6, 2011 after filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 for 2011 of the Town of Sidney was duly passed by the Town Board on January 6, 2011, in accordance with the applicable provisions of law.

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Lisa A. French, Clerk

(SEAL) Town of Sidney

Date: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF DELAWARE )

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Joseph A. Ermeti, Esq.  
Attorney for Town of Sidney  
County of Delaware  
Town of Sidney

Date: \_\_\_\_\_