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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of SHAWANGUNK
Town
~~Village~~

Local Law No. 1 of the year 1983

A local law amending Local Law No. 6 of 1976, a local law regulating
(Insert title)
and restricting activities of dogs

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Shawangunk as follows:
Town
~~Village~~

SECTION 1. LEGISLATIVE INTENT. The purpose of this law shall be to preserve the public peace and good order in the Town of Shawangunk and to contribute to the public welfare 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 the dogs and the rights and privileges of other citizens of the Town of Shawangunk.

This law is adopted pursuant to the authority of Section 124 of the Agriculture and Markets Law of the State of New York.

SECTION 2. DEFINITION OF TERMS. As used and intended in this law and for the purpose hereof unless the context otherwise indicates, together with such additional definitions set forth in New York State Agriculture and Markets Law, Section 108, which are hereby incorporated in this Local Law.

Animal. Shall mean male or female dogs, either singular or plural.

Town. Shall designate the area within the corporate limits of the Town of Shawangunk.

Owner. Shall be considered the person in whose name any dog was last licensed, unless the dog is or has been lost and such loss reported to the Town of Shawangunk police and reasonable search has been made. If an animal is 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 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 complaints charging a violation of this law shall be held and deemed to be the owner of such dog for the purpose of the law. In the event that any dog found to be in violation of this chapter shall be owned by a minor, the parent or guardian of such person shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this law.

(If additional space is needed, please attach sheets of the same size as this and number each)

At large. As applied to an animal shall designate and describe each animal at all times when it is off the premises of its owner or is on the premises of another without his consent, unless such animal is restrained by an adequate collar and leash or unless accompanied by its owner or a responsible person able to control the animal. For purposes of this law, a dog hunting in company with a hunter shall be considered as accompanied by its owner.

Confined. As applied to an animal shall mean that such animal is securely confined, restrained and kept on the owners' premises either within a building, kennel or wire or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged so that the animal cannot reach or endanger any person or any adjacent premises or on any public street, way or place; or if the animal is being transported by the owner, that it is securely confined in a crate or other container or so restrained in a vehicle that it cannot escape therefrom.

Dangerous. Shall mean, designate and apply to any animal which, without just cause, attacks or chases, bites or snaps at or otherwise threatens to attack any person or attacks or wounds a dog or other domestic animal or which displays any other fierce, vicious or dangerous propensity.

Public nuisance. As applied to an animal shall describe, designate or apply to:

A. Every animal which seriously and habitually disturbs the peace and quiet of the neighborhood by barking or howling or other disturbing actions.

B. Every animal which habitually chases any persons or bicycles, automobiles or other vehicles upon any public highway or public place.

C. Every animal which causes damage or destruction to property upon the premises of persons other than the owner or person harboring such animal.

D. Every animal which is a dangerous animal as defined in the above definition of "dangerous" every such animal is hereby declared to be a public nuisance.

SECTION 3. OWNER'S RESPONSIBILITY. The owner of every animal which is at any time kept, brought or comes into the Town will be held responsible for the strict observance by such animal, and with respect to such animal, of all the rules and regulations contained in this local law at all times when such animal is within the Town.

SECTION 4. ANIMALS IN HEAT. The owner of every female animal must effectively confine such animal at all times during every period when such animal is in heat.

SECTION 5. ANIMALS TO BE CONTROLLED. No person who owns a dog shall permit such dog to be at large in the Town of Shawangunk, Ulster County, New York unless said dog is restrained by an adequate collar and leash other than when on the premises of the person owning, keeping or harboring or having custody or control of such dog or upon the premises of another with the knowledge, consent and approval of the owner of said premises.

SECTION 6. REGULATION OF ANIMALS CONSTITUTING A PUBLIC NUISANCE. Whenever any written complaint is made by any person that a specified dog is dangerous or is a public nuisance, such complaint shall be promptly heard and determined by the Town Justice of the Town of Shawangunk after written notice thereof to the owner of such animal appointing a time for such hearing which shall be not less than twenty-four (24) hours after the service of such notice on such owner, and if the Town Justice finds that the complaint made is duly established, he shall determine and declare such animal to be dangerous or a public nuisance as the case may be. If such animal is determined to be dangerous or a public nuisance under the provisions of this law, then such animal shall be kept confined according to the definition herein at all times within the Town of Shawangunk. Any such animal which is found at large may be taken and impounded.

SECTION 7. DANGEROUS ANIMALS.

A. If any animal shall attack any person who is peaceably conducting himself in any place where he may lawfully be, such person or any other person witnessing the attack may destroy such animal while so attacking or while being pursued thereafter, and no liability in damages or otherwise shall be incurred on account of such destruction.

B. If any animal shall attack, chase or worry any domestic animal, as defined in Section 108 of this article, while such animal is in any place where it may lawfully be, the owner or caretaker of such domestic animal, or any other person witnessing such attack may, for the purpose of preventing the killing or injury of such domestic animal, destroy such animal while so attacking, chasing, worrying or while being pursued thereafter, and no liability in damages or otherwise shall be incurred on account of such destruction.

C. Any person may make a complaint of an attack upon a person or of an attack, chasing or worrying of a domestic animal to a dog control officer of the Town of Shawangunk. Such officer shall immediately inform the complainant of his right to commence a proceeding as provided in Subdivision 4 of this Section and, if there is reason to believe the animal is a dangerous animal, the officer shall forthwith commence such proceeding himself.

D. Any person may, and any dog control officer as provided in Subdivision 3 hereof shall, make a complaint under oath or affirmation to any municipal judge or justice of such attack, chasing or worrying. Thereupon, the judge or justice shall immediately determine if there is probable cause to believe the animal is a dangerous animal and, if so, shall issue an order to any dog control officer, peace officer, acting pursuant to his special duties, or police officer directing such officer to immediately seize such animal and hold the same pending judicial determination as herein provided. Whether or not the judge or justice finds there is probable cause for such seizure, he shall, within five (5) days and upon written notice of not less than two (2) days to the owner of the dog, hold a hearing on the complaint. If satisfied that the animal is a dangerous animal, the judge or justice shall then order the owner or any dog control officer, peace officer, acting pursuant to his special duties, or police officer to destroy the animal immediately, or shall order the owner to confine securely such animal permanently or at such time as otherwise specified in the order. If the owner fails to destroy or to confine the animal as required by such order, any dog control officer, peace officer, acting pursuant to his special duties, or police officer shall destroy such animal on or off the premises of the owner.

E. Nothing contained herein shall restrict the rights and powers derived from the provisions of Title 4 of Article 21 of the Public Health Law relating to rabies and any rule and regulation adopted pursuant there.

SECTION 8. SEIZURE OF UNLICENSED OR UNLEASED DOGS. Any police officer or dog control officer shall seize any dog found to be at large or not restrained by an adequate collar or leash as required by this law.

SECTION 9. REDEMPTION OF SEIZED DOGS.

A. Every dog seized shall be properly fed and cared for at the expense of the Town of Shawangunk 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.

B. Every dog seized shall be treated in a humane manner.

C. If the dog seized bears a license tag, the dog control officer shall ascertain the owner of the dog and shall give immediate notice by serving personally or by certified mail, return receipt requested, such owner or a member of the owner's family eighteen (18) years of

age or over, with a notice in writing stating that the dog has been seized and will be destroyed pursuant to law unless redeemed as herein provided. The owner of a dog so seized may redeem the dog within nine (9) days by paying to the Town Clerk as the cost of seizure, a sum equivalent to the cost of care, boarding and feeding such animal pursuant to contract between the Town of Shawangunk and the Humane Society of Walden, Inc.

D. If the Dog seized is not wearing a license tag as required by the Agriculture and Markets Law, then the owner of such seized dog may redeem the dog within (5) days of such seizure by producing to the person seizing the dog, a license for the dog and by paying to the Town Clerk as the cost of seizure \$25.00.

E. If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be offered for adoption or destroyed by the Humane Society. In the case of adoption the new owner must obtain a license for such dog. A dog which is to be destroyed shall be done so only in keeping with the latest humane practices of disposing of animals. The dog control officer who causes such dog to be destroyed shall make a written report of such destruction and disposition to the Town Clerk. The Town Clerk will keep a record of all dogs which is destroyed.

SECTION 10. ABANDONED DOGS. Any dog at large which does not display any current dog license or other means of identification or which fails to exhibit any evidence of having had administered to it a rabies vaccination, shall be considered an abandoned dog and may be summarily impounded by the dog control officer.

SECTION 11. HUMANE TREATMENT OF DOGS. It shall be unlawful for any person in the Town of Shawangunk to torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat or otherwise abuse or needlessly mutilate or kill a living animal or creature. Any dog so treated may be impounded by the dog control officer. The owner thereof shall be notified in writing and by personal service or by regular mail of the alleged violation and the matter shall be referred to Justice Court of the Town of Shawangunk for a hearing and determination.

SECTION 12. PENALTIES FOR VIOLATION. Any violation of this law constitutes an offense. The following fines and penalties are hereby imposed in addition to the punishments imposed by any general statutes on every person who violates for who owns or is responsible for any animal which violates any of the foregoing requirements or provisions of this law, to wit: for a first offense, a fine of not less than Ten Dollars (\$10) and not exceeding Twenty-Five Dollars (\$25); for a second offense, a fine of not less than Twenty-Five Dollars (\$25) and not more than Fifty Dollars (\$50); and for any third or subsequent offenses, a fine of not less than Fifty Dollars (\$50) and not more than Seventy-Five Dollars (\$75). Proceeding for the enforcement of this Local Law may be commenced by the issuance of an appearance ticket pursuant to Section 150.20 of the Criminal Procedure Law and by the dog control officer or Town policeman before the Town of Shawangunk Justice Court as hereinafter set forth.

SECTION 13. COMPENSATION FOR DOGS DESTROYED. The owner, harbinger or possessor of any dog destroyed under the provisions of this law shall not be entitled to any compensation and no action shall be maintained thereafter to recover the value of the dog.

SECTION 14. APPOINTMENT OF DOG CONTROL OFFICER.

A. The Town Board shall appoint a dog control officer pursuant to Section 114 of the New York State Agriculture and Markets Law and further designate all Town policemen to serve as special dog officers as needed. It shall be the duty of such dog control officer of the Town of Shawangunk to enforce the appropriate provisions of the Agriculture and Markets Law with respect to dogs in the Town of Shawangunk and to enforce this law.

B. Any person who observes any violation of this law shall report the same to the dog control officer or Town police and shall file a signed complaint, under oath, with a Town Justice of the Town of Shawangunk specifying the objectionable conduct of the animal, the date thereof, the damage caused, a description of the dog, and if known, the name and residence of the owner or other person harboring said animal. All such complaints shall be investigated, and it shall be the duty of the dog control officer or policeman in the appropriate cause to proceed in the civil or criminal enforcement of this local law or the New York State Agriculture and Markets Law, or any other provisions of law pertaining thereto.

C. Every dog control officer shall have the power to issue an appearance ticket pursuant to Section 150.20 of the Criminal Procedure Law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of this Article. In addition, any dog control officer or any peace officer, when acting pursuant to his special duties, or police officer, who is authorized by a municipality to assist in the enforcement of this article may serve any process, including an appearance ticket, a uniform appearance ticket and a uniform appearance ticket and simplified information, related to any proceedings, whether criminal or civil in nature undertaken in accord with the provisions of this Article or any Local Law or ordinance promulgated pursuant thereto.

D. Every dog control officer, peace officer, when acting pursuant to his special duties or police officer shall promptly make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of such dog, if any, the location where seized, the reason for seizure, and the owner's name and address, if known.

E. Every dog control officer shall file and maintain, in the manner prescribed by the commissioner, such records as may be required by this article or rules and regulations promulgated pursuant thereto, and shall make such reports to the commissioner as may be required thereby.

SECTION 15. SEPARABILITY AND VALIDITY. If any clause, sentence, subdivision, paragraph, section or part of this Local Law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause sentence, subsection, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

SECTION 16. EFFECTIVE DATE. This Local Law shall take effect immediately.