

## **RESPONSIBLE PET OWNERSHIP ORDINANCE**

The Town of Varick, Seneca County, New York

### **Section 1 – TITLE**

This Article shall be known as and cited as the “Responsible Pet Ownership Ordinance” of the Town of Varick.

### **Section 2. AUTHORITY.**

This Local Ordinance is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of New York State, §10 of the Municipal Home Rule Law, and other legislative authority of the State of New York, as amended from time to time.

### **Section 3 – PURPOSE**

It is the purpose of this Local ordinance to preserve the relationship between a dog and its owner and, at the same time, to protect the health, safety and property of others from annoyance and damage caused by dogs.

### **Section 4 – DEFINITIONS**

As used in this Local Ordinance, the following words shall have the meanings given in this Section or are referenced to the most recent versions of Article 7 & 26 of the Agriculture & Markets Law of the State of New York.

**Agent** – A person that has temporary custody, care, and control of a dog.

**At Large** - A dog shall be deemed at large if it is off the premises of the owner/guardian and not under the guardian’s control, or a dog on private lands without the knowledge, consent, and approval of the owner of such lands.

**Control** - Subject to the will and commands of the owner, guardian, and/or agent responsible for the dog.

**Dangerous Dog** - A dog that harasses, chases, molests, bites, shows aggression towards, or constitutes a physical threat toward a human being while not on the property of its owner or guardian.

**Dog** – A male or female member of the species canis familiaris.

**Dog Control Officer (DCO)** – The person or persons appointed by the Town Board of the Town of Varick, Seneca County for the purpose of enforcing this dog ordinance and Article 7 of the New York State Agricultural and Markets Law.

**Guardian** – Any person eighteen (18) years of age or older who keeps, harbors, or has custody, care or control of said dog shall be considered the primary guardian. The term guardian shall include the “significant other” living with the owner or guardian. A dog tended by a minor under eighteen (18) years of age shall be deemed to be in the custody and control of the primary guardian.

**Leash** - A chain, rope, or lead attached to the collar or harness of a dog as a means of control.

**Owner** - Any person who keeps or harbors a dog. See also definition of guardian.

### **Section 5– REGULATIONS**

(A) No dogs shall be permitted to run at large within the Town of Varick.

(1) For the purpose of this article, a dog or dogs, may roam at large on a person's property and/or on neighboring properties, provided it is with the permission of the owner's of such properties.

(B) Any unspayed female dog in season shall be securely confined.

(C) No dogs shall be permitted upon the public streets or upon any public property within the Town of Varick unless it is accompanied by an adult or by minor who is able to restrain or control said dog.

(D) No dog shall chase, leap at, bite, show aggression toward, or harass any person in such a manner as to reasonably cause intimidation, fear or put such person in reasonable apprehension of bodily harm, or injury except when such a person may be on the private property of the dog's guardian without said guardian's consent. Dogs engaging in behavior described above in this section shall be considered a dangerous dog as defined by this ordinance.

(E) Any individual who in the course of defending him/herself, or coming to aid of another individual, injures or kills a dog engaging in an attack as defined in the definition of a dangerous dog as defined by this local ordinance shall be held harmless for their action. No liability in damages or otherwise shall be incurred on account of the injury or death of the attacking dog, provided that such actions were in good faith.

(F) This local dog ordinance for the Town of Varick, Seneca County is in addition to the New York State requirements as per Article 7 and 26 of the Agricultural and Markets Law

#### Section 6 – **PROHIBITION OF NUISANCE BY DOG**

No owner, guardian, or agent of the owner of a dog shall permit such dog to commit any nuisance within the Town of Varick or cause damage to the personal property of others. The following are declared public nuisances, and are set forth herein for explanatory purpose only, and are not to be considered as excluding other types of nuisances.

(A) Engaging in a loud howling or habitual barking or so conducting itself in such a manner so as to disturb the public peace.

(B) Chasing moving vehicles to include bicycles, motorcycles, automobiles or any other vehicle or device used by persons for travel.

(C) Running together in a pack or in any way forming a pack of dogs. For the purpose of this Ordinance, the word "pack" is hereby defined to mean three (3) or more dogs.

(1) Dogs in a pack in the act of hunting game in season accompanied by a properly licensed hunter are allowed

(D) Causing damage to the personal property of others within the Town of Varick.

#### Section 7 – **DANGEROUS DOGS**

(A) Any dog which shall attack a companion animal or farm animal as defined in Article 7 of the Agricultural and Market Laws of the State of New York shall be dealt with in accordance with Article 7 of the Agriculture and Market Laws.

(B) Any dog which shall attack a person as per defined in Section 4-D of this local ordinance shall be dealt with in accordance with Article 7 Section 121 of the Agricultural and Market Laws.

- (2) When reporting a potentially dangerous dog, the complainant shall use the forms as provided by New York State Agricultural and Markets Law. The reporting and timeline process shall follow the rules as defined in Article 7 Section 121 of the Agricultural and Markets Law.
- (3) Upon finding that a dog is dangerous as defined by this local ordinance, the judge or justice may order humane euthanasia or permanent confinement of the dog. If the judge or justice chooses permanent confinement, the following requirements shall be met at the owners/guardians expense;
  - a. The dog may be neutered or spayed.
  - b. The dog may be micro-chipped.
  - c. The owner/guardian of a dangerous dog may be required to purchase and maintain in effect during the lifetime of the offending animal(s) a **separate** liability insurance policy in the amount of no less than \$50,000 and no more than \$100,000 for personal injury or death resulting from an attack by such dangerous dog. For the purpose of this ordinance, the liability coverage normally found under a Homeowner's Policy shall **NOT** be acceptable to fulfill this requirement.
  - d. The dog shall be allowed outside the confinement enclosure for brief periods to urinate, defecate, or receive medical attention. The dog must be wearing a muzzle and restrained with a leash by an adult of at least 21 years old.
- (4) A dog shall not be declared dangerous if the court determines the conduct of the dog was justified because the threat, injury, or damage was sustained by a person who at the time was committing a crime or offense upon the owner/guardian of the dog or upon the property of the owner/guardian of the dog.

#### Section 8 – **FILING OF COMPLAINTS**

Any person who observes a dog in violation of any acts prohibited by this Ordinance, may file a signed complaint with the authorized Dog Control Officer. The complaint must specify the objectionable conduct of the dog, the date thereof, the damage caused or the acts constituting violation of this law, and including the place or places where such conduct occurred and the name and residence, if known, of the owner or other person harboring such dog. For dangerous dogs the complainant shall use forms as provided by New York State Agriculture and Markets Law.

#### Section 9 – **VIOLATIONS**

- (A) For violation of Section 5, Section 6, or Section 7 the Dog Control Officer, may seize and take into custody said dog, and, upon identification of the dog, serve or deliver a court appearance ticket upon the owner of said dog, specifying the time, place and nature of said violation. In the event that the Dog Control Officer shall be unable, for any reason shall fail, to seize and take into custody said dog, the Dog Control Officer shall, nevertheless, upon identification of the dog, serve or deliver a court appearance ticket as above described upon such owner.
- (B) If such dog has been seized and taken into the custody of the Dog Control Officer, a fee of Twenty Dollars (\$20.00) will be charged by the Town of Varick..

#### Section 10 – **DOG CONTROL OFFICER / SHELTER**

- (A) The Town Board of the Town of Varick shall appoint the Dog Control Officer, who shall have the duty of enforcing this Ordinance in addition to Article 7 of the Agriculture and Markets Law.
- (B) Every dog seized by the Dog Control Officer shall be transported to a contracted shelter or returned to its owner upon proof of NYS license, rabies vaccinations, and payment of the required fines.
- (C) The contracted shelter must maintain, redeem, sell, adopt, and/or euthanize all dogs in accordance with Article 7 of the Agriculture and Markets Law.

## Section 11 – **PENALTIES**

(A) Violations of Section 5 or 6 of this Ordinance shall be deemed an offense and a violation thereof shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) or more than Fifty Dollars (\$50.00) or by imprisonment of not exceeding thirty (30) days or by both such fine and imprisonment, and a subsequent failure to pay the fines as set forth in Section 8 shall be deemed an offense and such violation thereof shall be punishable by a fine of not less than Fifty Dollars (\$50.00) or more than One Hundred Dollars (\$100.00) or by imprisonment of not exceeding thirty (30) days or by both such fine and imprisonment.

(B) Violations of Section 7 of this local ordinance shall be a misdemeanor and shall be punishable by a fine of not more than one thousand dollars (\$1000), or by imprisonment for not more than (1) year, or by both. In addition, the provisions of the Penal Law and the Criminal Procedure Law of the State of New York relative to dispositions of misdemeanors shall be applicable.

## Section 12 – **FEES**

(A) Pursuant to Section 110, Subdivision 4, of the New York State Agriculture and Markets Law, and annual dog license fee of Two Dollars and Fifty Cents (\$2.50) will be added to the fees established by the New York State Agriculture and Markets Law for each dog license issued in the Town of Varick.

(B) The guardian of any dog seized pursuant to this local ordinance shall be responsible for all shelter, veterinary, and impoundment fees prior to the dog's return to said guardian. Fees for extended impoundment shall be billed every 30 days and are payable within 14 days of the bill being rendered. Veterinary fees shall likewise be paid within 14 days of a bill being rendered.

## Section 13 - **NON-LIABILITY OF THE TOWN.**

The guardian of any dog destroyed as a result of being released to a dog shelter or to an authorized veterinarian shall not be entitled to any compensation, and no action shall be allowed thereafter to recover the value of such dog or any other type of damage.

## Section 14 - **SEPARABILITY.**

Each separate provision of this Local ordinance shall be deemed independent of all other provisions herein and, if any provision is adjudged invalid by any court of competent jurisdiction, all other provisions herein shall remain valid and enforceable.

## Section 15 - **SUPERSESION.**

This Local ordinance shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Varick and they shall be, upon the effective date of this Local Ordinance, null and void.

## Section 16 – **EFFECTIVE DATE**

This local ordinance shall take effect ten (10) days after publication date thereof.