

PLEASE TAKE NOTICE that the Town Board of the Town of Ridgeway will conduct a public hearing on the Proposed Local Law #1 of 2012 entitled Dog Control Law of the Town of Ridgeway. Such hearing to be held at the Town Hall, 410 West Avenue, Medina, New York.

Said public hearing shall be held on May 21, 2012 at 7:00 pm at said Town Hall. At such public hearing all persons interested in said proposed local law will be heard. The text of said proposed local law is as follows:

LOCAL LAW #1 OF THE YEAR 2012
Town of Ridgeway
Dog Control Law of the Town of Ridgeway

Article I, Dogs

The Town of Ridgeway finds that the uncontrolled behavior of dogs can cause physical harm to persons, damage to property and nuisances within the Town of Ridgeway except within the incorporated Village of Medina.

1. Purpose.

The purpose of this article is to protect the health, safety and general welfare of the inhabitants of the Town of Ridgeway by enforcing regulations on the licensing and activities of dogs in said Town of Ridgeway except within the incorporated Village of Medina, so as to afford consistent privileges of owners of dogs, the residents and the inhabitants of said Town.

2. Statutory Authority.

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and shall apply in all areas of the Town of Ridgeway.

3. Title

The title of this article shall be the "Dog Control Law of the Town of Ridgeway".

4. Definitions

As used in this Local law the following words shall have the following respective meanings:

DOG – Male and female, licensed or unlicensed, members of the species Canis Familiaris.

DOG CONTROL OFFICER – The Dog Control Officer of the Town of Ridgeway, appointed by the Town Board pursuant to §113 of the Agriculture and Markets Law.

OWNER – The person entitled to claim lawful custody and possession of a dog and 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 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 dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging violation of this article shall be held and deemed to be the owner of such dog for the purpose of this article. In the event that the owner of any dog found to be in violation of this

article shall be under 18 years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of this article.

HARBOR – Means to provide food and shelter to any dog.

IDENTIFICATION TAG – A tag issued by the Town of Ridgeway which sets forth an identification number, together with the name of the municipality, the State of New York, contact information, including telephone number for the municipality and such other information as the licensing municipality deems appropriate.

RUN AT LARGE - To be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

TOWN - The Town of Ridgeway excluding the area located within the incorporated Village of Medina.

TOWN CLERK – The Town Clerk of the Town of Ridgeway.

4.1 Licensing of Dogs

- A. The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of four months.
- B. The application shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner. The Town of Ridgeway may also require additional information on such application as deemed appropriate. The application shall be accompanied by the license fee and a certificate of rabies vaccination, provided such certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the Town Clerk.
- C. 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.
- D. All dog licenses may be purchased by visiting the Town of Ridgeway or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be no refund of fees.
- E. Renewing early or late does not change the renewal month. However, owners having more than one dog may request common renewal dates for the licenses, which may be granted at the discretion of the Town Clerk, provided that all other licensing and renewal requirements are met. No licensing fees will be prorated, refunded or waived when accommodating such a request.
- F. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- G. In the event of a change in the ownership of any dog which has been licensed pursuant to this article, the owner of record shall, within ten (10) days of such change, file with the

Town Clerk a written report of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

- H. If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within ten (1) days of the discovery of such loss or theft, file with the Town Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this article committed after such report is filed.
- I. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal as set forth by the Town Clerk.
- J. Change of Address: When there is a change of address for the owner of record, the owner shall notify the Town Clerk of such change. If the change is still within the Town of Ridgeway, the Town Clerk will make the appropriate updates to the dog license record. If the change is located outside the Town of Ridgeway, the Town Clerk shall make a note in the record and cancel the license. The Town Clerk shall forward a copy of the license to the Clerk of the municipality to which the owner has moved, informing said Clerk that the dog now resides in their municipality. If the Town of Ridgeway Clerk is notified by another municipality in Orleans County that one of their licensed dogs has moved into the Town of Ridgeway, the Town Clerk will issue a Town of Ridgeway License at no charge for the remainder of the license year upon presentation by the owner of the old license.

5. Prohibited Acts.

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

- A. Run at large, unless the dog is restrained by an adequate collar and leash and accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this article, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by their owner and not required to be leashed while hunting.
- B. Be a public nuisance. It is hereby expressly declared that any dog which engages in loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably annoy any person is a public nuisance. It shall be unlawful for any person to own or possess a dog which is a public nuisance as herein defined.
- C. Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property without the consent or approval of the owner thereof.
- D. Chase, jump upon or at or otherwise harass any person, or companion animal of such person, in such a 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 of such property. The owner shall immediately remove all feces left by such animal, depositing the same directly into an

airtight container or bag, which shall then be deposited into a container used for the disposal of refuse. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.

- G. Commit a nuisance on the property of the person owning or person harboring or housing custody of such dog which nuisance may reasonably be expected to create odors, insects or other health matters which will interfere with the health, safety, welfare and comfort of adjoining property owners or property users.

6. Seizure and impoundment; dangerous dogs

- A. The Dog Control Officer or any peace officer shall seize any unlicensed dog whether on or off the owners' premises, any unidentified dog not wearing a tag that is not on the owner's premises and/or any dog found in violation of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law, except that each dog that is not identified shall be held for a period of three business days from the day seized, and each dog that is identified shall be held for a period of seven business days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner complies with the requirements set forth in Article 7 §117 of the Agriculture and Markets Law.
- B. The redemption period that applies to either identified or unidentified dogs that are seized shall be calculated in terms of business days, and shall never include the day that the dog is seized Saturdays, Sundays or national holidays.
- C. Dog Control Officer or peace officer may also investigate and report to a Town Justice of the town any dangerous dog as described in Article 7 of the Agriculture and Markets Law and see that the order of the Town Justice in such case is carried out.

7. Appearance Tickets.

The Dog Control Officer(s), Town of Ridgeway, or a peace officer having reasonable cause to believe that a person has violated this article shall issue and serve upon such persons an appearance ticket for such violation(s).

8. Complaints.

Any person who observes a dog in violation of this article may file a complaint under oath with the Dog Control Officer of the town 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 the basis for enforcing the provisions of this article.

9. Penalties for offenses.

A violation of this article shall be punishable either:

- A. Where prosecuted pursuant to the Penal Law, by a fine of not less than \$50.00 except that where the person was found to have violated this article or Article 7 of the Agriculture and markets law within the preceding five years, the fine may be not less than \$100.00, and where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not less than \$200.00 or imprisonment for not more than 15 days, or both; or
- B. Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than \$50.00, except that when the person was found to have violated this article or Article 7 of the Agriculture and Markets Law within the preceding five years, the civil penalty may be not less than \$100.00 and where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not less than \$200.00. Each day's violation shall constitute a separate offense.

9.1 Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any Court of competent jurisdiction such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town Board of the Town of Ridgeway hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

10. Effective Date

This Local Law shall take effect immediately upon proper filing of same.