

# LOCAL LAW # 2 OF 2000

## AMEND DOG CONTROL LAW

### SECTION 1: TITLE

This law shall be known as the "Amended Dog Control Law of the Village of Moravia, New York".

### SECTION 2: PURPOSE

The purpose of said law shall be to preserve and protect the peace of mind, welfare, and property of all person residing in the Village of Moravia by declaring and enforcing certain regulations and restrictions on activities of owners of dogs within the said Village.

### SECTION 3. DEFINITIONS

1. Dog - shall include both male and female dogs, without regard to whether the dog is spayed or neutered.
2. Owner - any person who owns, keeps, harbors, or has the care, custody or control of a dog. Dogs owned by a minor shall be deemed to be in the custody of the minor's parents, guardian or head of the household where the minor resides.
3. At large - any dog shall be considered at large when it is (a) off the owner's property, and (b) not under the restraint of a competent person.
4. Restraint - a dog is to be considered under restraint when:
  - a) It is controlled by a leash, or
  - b) It is within the property limits of the owner, whether loose or confined, or confined on the premises of another with the consent of that person, or
  - c) It is within a vehicle being driven or parked on the street.
5. Nuisance Dogs - any dog shall be considered a nuisance dog when it:
  - a) damages public property, or
  - b) habitually or seriously disturbs the peace and quiet of the neighborhood by barking, howling, or making or producing other noises,

either individually or jointly with other dogs, or,

c) habitually chases any person, bicycle, automobile, or other vehicle within the Village of Moravia, or

d) strews or disburses garbage or refuse which is lawfully set out for collection, or

e) uproots, digs, or otherwise damages any vegetable, lawn flower, garden bed, or other property not belonging to the owner of

such dog, or

f) chases, jumps upon or at or otherwise harasses any person in such manner as to reasonable cause intimidation or fear or to put such

person in reasonable apprehension of bodily harm or injury, or

g) creates a nuisance by defecating, urinating or digging on public property or private property other than the property of its owner.

6. Habitual - for the purpose of this Local Law, habitual shall mean the continuous barking, howling, or making of other noises for a period of 15 minutes or more; or the chasing of persons or vehicles on 2 or more occasions.

#### SECTION 4: LICENSING OF DOGS

The owner of a dog within the Village of Moravia shall license such dog in accordance with and pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

#### SECTION 5: RESTRICTIONS

1. No person or persons may harbor more than two dogs, which are six months of age or older, per household.

2. No owner shall permit or allow a dog to remain at large on any of the streets of public places within the Village of Moravia or upon premises of any other person other than the owner unless such person grants permission for a dog to be upon his premises; no dog shall be permitted in any public place or street within the Village of Moravia unless it is properly retrained.

3. When a dog is being walked in a public place within the Village of Moravia, the person walking that dog shall be responsible for cleaning up and properly disposing of any feces that the dog leaves on a public or private property other than the property of the owner of the dog.

4. No unspayed female dog in season shall be allowed to roam nor shall she be left unattended without the precaution of properly enclosing her either by fence or cage.

5. No owner shall harbor a dog which habitually howls or barks so as to disturb the peace and quiet of other persons of reasonable sensitivity. A habitually howling or barking dog under

this Section shall be considered a disturbance of the peace which can be investigated, cited, and prosecuted by either the Dog Control Officer or by the Village Police Department.

6. No owner of any dog shall allow such animal to become a Nuisance Dog as defined in Section 3, Paragraph 6 above.

## SECTION 6: DOG CONTROL OFFICER

a. The position of Dog Control Officer is hereby created. The Dog Control Officer shall be appointed by the Mayor of the Village of Moravia upon approval of the Board of Trustees of the Village of Moravia.

b. The Dog Control Officer is hereby authorized to enforce the provisions of this local law and to make such regulations to enforce this local law which are not inconsistent with the local law or with the provisions of Article 7 of the Agriculture and Markets Law.

c. The Dog Control Officer may seize any dog in violation of any local law or ordinance of the Village of Moravia relating to the control of dogs including, without limitation, this local law. Every dog so seized shall be maintained, redeemed, sold or destroyed by the Dog Control Officer in accordance with Article 7 of the Agriculture and Markets Law of the State of New York.

d. A police officer of the Village of Moravia is authorized to enforce the provisions of this local law.

e. The Dog Control Officer shall exercise the powers and shall fulfill the duties set forth in Section 114 of the Agriculture and Markets Law of the State of New York

## SECTION 7: COMPLAINTS

Any person may make a written complaint of a violation of this Local Law to either the Dog Control Officer, or to a Police Officer of the Village of Moravia, and that written verified complaint can serve as the basis for prosecution of any violation of this Local Law.

## SECTION 8. PENALTIES

A. The following penalties are hereby imposed for the violation of this Local Law;

1. any person who violates a provision of this Local Law shall be subject to a penalty of not more than \$25.00 for the first violation; not more than \$50.00 for the second violation within one year; and not more than \$75.00 for the third violation and subsequent violations within one year.

2. any violation of this Local Law shall be deemed an offense and shall be punishable by a fine as set forth in subdivision 1 hereof or by imprisonment. Each separate

occurrence shall constitute a separate and additional violation.

## SECTION 9: INCORPORATION OF ARTICLE 7 OF THE AGRICULTURAL and MARKETS LAW

The provisions of Article 7 of the Agricultural and Markets Law of the State of New York and Public Health Law Title IV, Article 21, are deemed incorporated into this Local Law set forth herein. Any state law which is inconsistent with this Local Law shall be superseded by the provisions thereof to the extent of its inconsistency, except for where supersession is restricted by law.

## SECTION 10: VALIDITY - SAVINGS CLAUSE

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence or paragraph or part thereof which is otherwise valid.

SECTION 11: The Dog Control Law of the Village of Moravia, New York (Local Law # 3 of 1984) is hereby repealed in its entirety, and replaced by the provisions of the Local Law.

## SECTION 12: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of the State of New York.