

TOWN OF IRA
CAYUGA COUNTY
CATO, NEW YORK 13033

LOCAL LAW #1 OF YEAR 2010

DOG CONTROL LAW OF THE TOWN OF IRA

Be it enacted by the Town Board of the Town of Ira as follows:

SECTION 1: PURPOSE

The purpose and intent of this Local Law shall be to preserve the public peace and good order of the Town of Ira, Cayuga County, New York, to contribute to the public welfare and to the preservation and protection of the property and person of the inhabitants of the Town of Ira by declaring and enforcing certain regulations and restrictions on activities and dogs and owners of dogs within the Township of Ira.

SECTION 2: Authority: This Local Law is enacted pursuant to the provision 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 the Law shall be Dog Control Law of the Town of Ira.

SECTION 4: EXCLUSIONS

This Local Law shall not apply to any dog confined to the premises of any incorporated society devoted to the care of lost, strayed or homeless animals, or confined to the premise of any public or private hospital devoted to the treatment of sick animals.

SECTION 5: DEFINITIONS

A. Dog: Shall mean any member of the species *canis familiaris*, whether male or female.

B. Owner: Any person, who owns, harbors, keeps, or has care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

C. AT LARGE: Shall mean any dog that is unleashed and on property open to the public, or is on property not owned or leased by the owner of the dog unless permission for such presence has been obtained.

No dog shall be presumed to be at large if it is:

- a. A guide dog actually leading a blind person.
- b. A police work dog in use for police work.

- c. A dog accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner.

D. Restraint: A dog shall be deemed under restraint when it is controlled by a leash or in the presence of a competent person and obedient to that person's commands; or on or within a vehicle being driven or parked legally, or within the property limits of its owner or keeper, or upon the premises of another with the consent of such person.

SECTION 6: DOG CONTROL OFFICER

The position of Dog Control Officer may be created by the Town Board of the Town of Ira and such Dog Control Officer shall have all the powers of a peace officer in the execution of this Local Law and in the execution of Article 7 of the Agriculture and Markets Law of the State of New York, including the serving of appearance tickets. Every dog seized by the Dog Control Officer shall be maintained in a clean and humane manner, redeemed, placed for adoption or euthanized in accordance with Article 7 of the Agriculture and Markets Law.

SECTION 7: RESTRICTIONS

- A. No Owner shall permit or allow a dog to run at large within the Town of Ira, unless such dog shall be restrained as provided in Section 5: D herein.
- B. No dog shall be permitted to cause damage or destruction to property, or commit a nuisance, or to defecate upon the premises of a person other than to or upon the premises of the owner or persons harboring said dog.
- C. No owner shall keep or harbor a dog that howls or barks so as to disturb the peace and quiet of other persons.
- D. No dog shall be permitted to chase or otherwise harass any person in such a manner as to reasonable cause intimidation or to put such person in reasonable apprehension of bodily harm or in injury except in defense of property of the owner or inhabitants.
- E. No dog shall be permitted to habitually chase or bark at moving vehicles, bicycles or pedestrians.
- F. No unsprayed female dog in heat (season) shall be permitted to be outside of a building or a fenced enclosure, except that the owner may exercise such dog while on a securely fastened leash not more than six feet in length.
- G. No owner shall fail to provide dogs with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

SECTION 8: SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION

- A. Any dog found in violation of the provisions of Section 7 of this law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture Law.
- C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the same impoundment fees that are charged to the Town.
- D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fee set forth in subdivision (c) of this section as well as any costs otherwise involved in the seizure and care of said dog whether or not said owner chooses to redeem his or her dog.
- E. Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provision of Section 118 of the Agriculture and Markets Law.

SECTION 9: COMPLAINT

Any person who observes a dog in violation of this Law may file a complaint under oath with a justice of the Town of Ira 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 bases for enforcing the provisions of this law

SECTION 10: LICENSING OF DOGS

- A. All dogs in the Town of Ira must be licensed with the Town Clerk by the age of 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 \$8.00 (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unsplayed or unneutered dog will be \$18.00, (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. Replacement tag fee: The fee for a lost replacement tag will be \$3.00.
- E. 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 at the time the enumeration is conducted.
- F. Purebred License: The Town of Ira will **not** be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- G. Service Dogs: The Town of Ira will require a no charge license for any guide dog, service dog, hearing dog or detection dog.
- H. The Town of Ira does not allow the licensing of dogs by a shelter. The shelter **MUST** send the adoptive dog owners to the Town Clerk of the Town of Ira in which the dog will be harbored for adoption purposes.
- I. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms and a self-addressed stamped envelope. No license will be mailed out without a self-addressed stamped envelope. There will be NO refund of fees.
- J. All fees will be used in funding the administration of the Dog Control Law of the Town of Ira.
- K. 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 Laws are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the town for such services Second Offense: \$60.00 plus the impoundment and euthanasia fees per animal.

SECTION 11: VIOLATIONS OF RESTRICTIONS

It shall be the duty of the Dog Control Officer of the Town of Ira to enforce the provisions set forth in this Local Law, and issue appearance tickets to the violators and summon the violator before the Town Justice Court.

SECTION 12: PENALTIES

A violation of the Local Law shall be deemed an offense and a violation thereof shall be punishable by a fine of not more than \$25.00 for the first offense, not more than \$50.00 for the second offense and not more than \$100.00 for the third and subsequent offenses.

SECTION 13: SEPARABILITY

If any section, subsection, sentence, clause, phrase or provision of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 14: REPEALER

This law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Ira, and they shall be, upon the effective date of the Law, null and void.

SECTION 15: EFFECTIVE DATE

This Local Law shall be effective January 1, 2011 after filing with the Secretary of the State.