

# Town of Esperance - Dog Ordinance

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## **Local Ordinance #1 - 1988** **Dog Control Ordinance of the Town of Esperance**

### **SECTION 1 - PURPOSE:**

The Town of Esperance, New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created a nuisance within the Town. The purpose of this ordinance is to protect the health, safety, and well being of persons, property, domestic animals, and deer from dog attack and damage by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

### **SECTION 2 - AUTHORITY:**

This local ordinance is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law.

### **SECTION 3 - TITLE:**

The title of this ordinance shall be "Dog Control Ordinance of the Town of Esperance".

### **SECTION 4 - DEFINITIONS:**

- a) "OWNER" means any person who harbors or keeps any dog. In the event any dog found in violation of this ordinance shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides),
- b) "HARBOR" means to provide food or shelter to any dog.
- c) "AT LARGE" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is:
  - (1) accompanied by and under the immediate supervision and control of the owner or other responsible person;
  - (2) a police work dog in use for police work; or
  - (3) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land with the permission of the owner of the land.

### **SECTION 5 - RESTRICTIONS:**

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

- a) be at large;
- b) engage in habitual loud howling, barking, crying or whining, or conduct itself in such a manner as to unreasonably and habitually annoy any person;
- c) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog;
- d) chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such a person in reasonable apprehension of

bodily harm or injury; or  
e) habitually chase, run alongside of or bark at motor vehicles or bicycles.

#### **SECTION 6 - ENFORCEMENT:**

This local ordinance shall be enforced by any Dog Control Officer, peace officer when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Esperance.

#### **SECTION 7 - SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION:**

(a) Any dog found in violation of the provisions of Section 5 of this Ordinance 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 and Markets 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.

(d) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision ( c ) of this section whether or not such 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 provisions of Section 118 of the Agriculture and Markets Law.

(f) If after the seven-day required redemption period a dog has not been claimed by the owner, the Dog Control Officer has the authority to offer the dog for adoption for a minimum adoption fee of fifteen dollars (\$15.00) plus the state required licensing fee.

#### **SECTION 8 - COMPLAINT:**

Any person who observes a dog in violation of this ordinance may file a complaint under oath with the Justice of the Town of Esperance 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 the dog. Such complaint may serve as the basis for enforcing the provisions of this ordinance.

#### **SECTION 9 - APPEARANCE TICKET:**

Any Dog Control Officer, peace officer when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Esperance observing a violation of this ordinance in his presence shall issue and serve an appearance ticket for such violation.

#### **SECTION 10 - PENALTIES:**

Any person convicted of a violation of this ordinance shall be deemed to have committed a violation and shall be subject to a maximum fine for a first offense of twenty-five dollars (\$25.00); and a maximum fine of fifty dollars (\$50.00) for a second offense.

#### **SECTION 11 - SEPARABILITY:**

Each separate provision of this ordinance shall be deemed independent of all other provisions herein; and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**SECTION 12 - REPEALER:**

This ordinance shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Esperance.

**SECTION 13 - EFFECTIVE DATE:**

This ordinance shall take effect ten (10) days after publication and recording in the Town Clerk's books.