

Chapter 52

DOG CONTROL

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[HISTORY: Adopted by the Town Board of the Town of Vernon 11-4-2010 by L.L. No. 1-2010.¹ Amendments noted where applicable.]

§ 52-1. Purpose.

The Town of Vernon, New York, finds that the running-at-large and other uncontrolled behavior of dogs has caused physical harm to persons and damage to property and created nuisances

1. Editor's Note: This local law superseded former Ch. 52, Dog Control, adopted 7-10-2000.

within the Town. The purpose of this chapter is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running-at-large of dogs and the seizure thereof within the Town.

§ 52-2. Authority.

This chapter is enacted pursuant to New York State Agriculture and Markets Law, Article 7, and the Laws of New York of 2010, Chapter 59, Part T.

§ 52-3. Title.

The title of this chapter shall be "Town of Vernon Local Law Dog Control of 2010."

§ 52-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AT LARGE — 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:

- A. Accompanied by and under immediate supervision and control of the owner or other responsible person;
- B. A police work dog in use for police work;
- C. 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 of the land.

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 — Any member of the species *canis familiaris*, regardless of age, breed, gender, or licensure status (licensed or unlicensed).

DOG CONTROL OFFICER — The person or persons appointed by the Town Board of the Town of Vernon, Oneida County for the purpose of enforcing this chapter.

HARBOR — To provide food or shelter to any dog.

OWNER — Any person who harbors or keeps any dog. In the event any dog found in violation of this chapter shall be owned by a person under 18 years of age, the "owner" shall be deemed to be the parent or guardian of such person (or the head of household in which the person resides).

§ 52-5. Restrictions.

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

- A. Be unlicensed;
- B. Run at large unless said dog is restrained by an adequate collar and leash or unless accompanied by its owner or a responsible person able to control the animal. For the purposes of this chapter, a dog or dogs hunting in the company with a hunter or hunters shall be considered as accompanied by its owner.
- C. Engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person other than the owner or person harboring such dog.

- D. 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.
- E. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- F. Be kept, on or off the owner's premises, in areas occupied or used by said dog which are not maintained in a clean, sanitary and odor-free condition.
- G. Habitually chase, run alongside of or bark at motor vehicles or bicycles.
- H. Run at large when in heat, and such dog shall be confined to the premises of such person during such period.

§ 52-6. Removal of feces.

It shall be the duty of any person who owns, harbors, or has the custody of any dog to promptly remove any feces left by such dog on any sidewalk, walkway, driveway, gutter, street, public park, playground or other public place or on school property or on private property without the consent of the owner of such property; provided, however, that this provision shall not apply to a guide dog, hearing dog or service dog licensed as such accompanying any person with a disability pursuant to the Agriculture and Markets Law of the State of New York.

§ 52-7. Enforcement.

- A. A dog control officer or other proper authority designated by the Town Board, as provided by § 114 of the Agriculture and Markets Law and other applicable laws and provisions, may enforce the provision of this article and may also investigate and report to a Town Justice any dangerous dog as described in § 121 of the Agriculture and Markets Law and see that the order or orders of the Town Justice are carried out.

- B. Every dog seized by the dog control officer that has not been returned to its owner upon proof of NYS license, rabies vaccinations, and payment of the required fines after five days excluding the day of pick up shall be transported to a contracted shelter.
- C. The contracted shelter must maintain, redeem, sell, adopt, and/or euthanize all dogs.

§ 52-8. Seizure; impoundment; redemption.

- A. Any dog found in violation of the provisions of § 52-5 of this chapter may be seized pursuant to § 117 of the Agriculture and Markets Law.
- B. Every dog seized shall be properly cared for; sheltered, fed and watered.
- C. Shelter expenses that will be paid by the owner before the pet is released will be the same amount that the Town of Vernon is charged by the sheltering agency.

§ 52-9. Complaints.

Any person who observes a dog in violation of any acts prohibited by this chapter, 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 chapter, 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.

§ 52-10. Appearance ticket.

- A. Any dog control officer who observes a violation of this chapter in his presence shall issue and serve an appearance ticket for such violation.
- B. Any dog control officer who has reasonable cause to believe that a person has violated this chapter shall issue and serve upon such person an appearance ticket for such violation.

§ 52-11. Penalties for offenses.

A person found guilty of a violation of this chapter may incur civil penalty not less than \$25 for a first offense, and no less \$50 where a subsequent offense is committed within five years, and no less than \$100 where two or more previous offenses have been committed within the preceding five years; and as further set forth in the Agriculture and Markets Law, § 118, and as may be amended pursuant to the authority granted the Town by Agriculture and Markets Law, § 122.

§ 52-12. Dog licenses; fees.

- A. All dogs in the Town of Vernon must be licensed with the Town Clerk by the age of four months and the dog owner is required to present a current certificate of rabies vaccination at the time of licensing and/or the renewal of an existing license. The Town Clerk will issue a Town permanent official identification tag to a dog when it is first licensed which should be attached to the collar of the dog at all times. No tag carrying an identification number shall be attached to the collar of any other dog other than the one to which is has been assigned to.
- B. All dog licenses shall be for a period of one year and shall expire on the last day of the month, one year from the date of the original issue date.
- C. Fees for licensing dogs (effective January 1, 2011):

- (1) For each spayed or neutered dog: \$7, which includes the assessment of a statutory surcharge of \$1 for the purpose of carrying out animal population control.
- (2) For each unspayed or unneutered dog: \$15, which includes the assessment of a statutory surcharge of \$3 for the purpose of carrying out animal population control.
- (3) Replacement ID tags: \$5.
- (4) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$10 shall be assessed, in addition to the dog license fees, to all dogs found to be unlicensed or not renewed at the time the enumeration is conducted.
- (5) Purebred license: The Town of Vernon shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fee schedule set forth in Subsection C(1) and (2).
- (6) Service dogs: Service dogs, including any guide dog, service dog, hearing dog or detection dog shall be licensed but shall be exempt from a dog license fee; the dog owner shall provide written proof of the dog's status to be exempt from such fees.
- (7) The fees set forth in Subsection C shall be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (8) The Town of Vernon does not allow the licensing of dogs by a shelter. The shelter must send the adoptive dog owners to the Vernon Town Clerk's Office for the purchase of the license for adoption purposes.
- (9) All dog licenses may be purchased by visiting the Vernon Town Clerk's Office during regular business hours, or by regular mail. If licensing or renewing a

license, the appropriate fee must accompany the appropriate forms. There will be no refund of fees.

§ 52-13. Protection of deer.

During the months of December through March, all dogs shall be confined. This is to protect the deer from being harmed.

- A. Any dog found chasing or worrying deer during the quarantine can be seized or destroyed.
- B. Any dog found guilty of an attack on deer which results in the death or crippling of a deer will result in a civil penalty of \$100 for the first deer, and \$150 for each additional deer.
- C. This section and any order issued pursuant thereto shall not apply to dogs in special dog training areas or shooting preserves enclosed and licensed pursuant to the provisions of the environmental conservation law while such dogs are under the control of the owner and or trainer.