

Local Law Filing

TOWN OF BRUNSWICK

**Local Law No. 2 for the Year 2002**

(Introduced as Local Law No. 1 for the Year 2002)

**A Local Law Amending the Code of the Town of Brunswick by Deleting Therefrom and Repealing Chapter 68 Thereof, Entitled “DOGS”, and Replacing Therewith a New Chapter 68 Entitled “DOGS”, Which Chapter Provides for the Regulation and Control of Dogs in the Town of Brunswick.**

**Be it enacted by the Town Board of the Town of Brunswick as follows:**

Section 1: The Code of the Town of Brunswick is hereby amended by deleting therefrom and repealing Chapter 68 thereof, entitled “DOGS”.

Section 2: The Code of the Town of Brunswick is hereby further amending by adding thereto a new Chapter, to replace Chapter 68 hereinabove repealed, to be Chapter 68 thereof, entitled “DOGS”, which said Chapter shall read and provide as follows:

**68 – 1 LEGISLATIVE FINDINGS, PURPOSE AND INTENT:**

The Town Board of the Town of Brunswick finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm and mental and emotional anguish to persons, damage to property, and created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town of Brunswick.

**68 – 2 AUTHORITY:**

This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York.

**68 – 3 TITLE:**

The title of this Local Law shall be “The Dog Control Law for the Town of Brunswick”.

**68 – 4            DEFINITIONS:**

As used in this Chapter, the following terms shall have the meanings hereinafter provided:

AGRICULTURE AND MARKETS LAW: The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.

CONFINED: That such animal is securely confined or restrained and kept on the owner's premises, either within a building, kennel or other suitable enclosure, or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or any adjacent premises, or on any public street, way or place, or, if such animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be reasonably expected to escape therefrom.

DOG: Animals of the species Canis Familiaris, male or female, except when the context indicates otherwise, licensed or unlicensed.

DOG CONTROL OFFICER: Any person authorized by the Town Board of the Town of Brunswick from time to time to enforce the provisions of this Chapter or the Agriculture and Markets Law.

HARBOR: To provide food and/or shelter to any dog.

OWNER: The person or persons, firm, association or corporation which purchased a license for a dog shall be presumed to be the owner of the dog. If a dog is unlicensed, 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 shall be deemed to be the owner. In the event that the owner of a dog is a minor, for the purposes of this Chapter, the head of 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 the said dog and any violation of this Chapter.

RECREATIONAL AREA: Any real property within the Town used by the public for recreational purposes, whether owned by the Town or any other public or private entity or organization, including but not limited to parks and playgrounds.

RUN AT LARGE: A dog present in a public place, or on private land without the knowledge, consent and approval of the owner of such private land, shall be considered to be running at large.

SCHOOL PREMISES: Any real property in the Town which is used for educational purposes or any purpose incidental thereto.

TOWN: The Town of Brunswick, County of Rensselaer, State of New York.

**68 – 5            RESTRICTIONS:**

It shall be unlawful within the Town for any dog, and for any owner of any dog to permit or allow a dog to:

- A.     Run at large unless the dog is restrained by an adequate leash no greater than eight (8) feet in length or unless it is accompanied by its owner or other responsible person able to control such dog by command. When at large in a recreational or on school premises, such dog must be restrained by an adequate leash as aforesaid. For the purpose of this Chapter, a dog lawfully hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- B.     Engage in habitual loud howling, barking, crying or whining, or conduct itself in such a manner as to unreasonably disturb the comfort and repose of any person other than the owner of said dog.
- C.     Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of said dog.
- D.     Chase, jump upon or at, or otherwise harass any person in such 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 while on a public street or highway, or upon public or private property, other than the property of the owner of said dog.
- F.     Create a nuisance by defecating, urinating or digging on public property or private property, other than the property of the owner of said dog.
- G.     If a female dog, be off the owners premises while in heat.
- H.     Run at large in a recreational area or on school premises, or on sidewalks adjacent thereto, unless restrained by an adequate leash no greater than eight (8) feet in length.
- I.     Be in a restaurant, grocery or commercial establishment which sells food for human consumption, or in any cemetery, except that a guide dog for the blind may enter any such premises if leading or accompanying a blind person therein.
- J.     Kill, injure or attack any other dog, cat or household pet, when such pet is not running at large.
- K.     Be off the premises of the owner between sunset and one (1) hour after sunrise, unless restrained by an adequate leash no greater than eight (8) feet in length.

**68 – 6            PRESUMPTION:**

Establishment of the fact or facts that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by this Chapter shall be presumptive evidence against the owner or harborer of such dog that he has failed to properly confine, leash or control his dog.

**68 – 7            ENFORCEMENT:**

This Chapter shall be enforced by the Dog Control Officer or any police officer, or any peace officer, when acting pursuant to his or her special duties.

**68 – 8            SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION**

- A. Any dog found in violation of the provisions of section 68-5 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 period 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 and by paying the impoundment fees set forth in Section 118 of said Article.
- 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. No action shall be maintained against the Town of Brunswick, any Dog Control Officer, or peace officer acting pursuant to his special duties, or any other agent or officer of the Town, or person under contract to the Town to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Chapter or the Agriculture and Markets Law.

**68 – 9            APPEARANCE TICKET:**

Any Dog Control Officer, police officer, or peace officer when acting pursuant to his or her special duties, observing a violation of this Chapter shall issue and serve an appearance ticket for such violation

**68 – 10 COMPLAINT:**

- A. Any person who observes a violation of this Chapter may file a complaint under oath with the Town Justice 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.
- B. Upon receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person for a hearing, at which both the complainant and the owner shall have the opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice determines that there has been a violation of this Chapter, and that further action is warranted, he may order, in addition to any of the penalties set forth in section 68-11 of this Chapter:
  - 1. The dog be restrained at all times by collar and leash, whether on or off the owner's property.
  - 2. The dog be confined at all times to the premises of the owner.
  - 3. Such other remedy as may be warranted under the circumstances of the case.
- C. A violation of any order issued by the Town Justice under the provisions of this section shall be an offense punishable, upon conviction thereof, as provided in Section 68-11 of this Chapter.

**68 – 11 PENALTIES:**

- A. A person who violates any of the provisions of this Chapter shall, upon conviction thereof, be deemed to have committed a violation, punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or imprisonment for a period not to exceed fifteen (15) days, or both.
- B. The Town may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance or restrain by injunction any violation of this Chapter, and these remedies shall be in addition to those otherwise prescribed by law.

Section 3: Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 4: This Local Law shall take effect immediately.

Adopted unanimously on March 14, 2002 by the Town Board of the Town of Brunswick