

LOCAL LAW NO. 2 of 1978
FOR THE CONTROL OF DOGS IN THE TOWN OF POLAND

A LOCAL LAW to provide for the control of dogs in the Town of Poland.

BE IT ENACTED by the Town Board of the Town of of Poland as follows:

Section 1. Legislative Intent:

The purpose of this local law is to control dogs in the Town of Poland, since it appears that dogs, in some instances, have been allowed to cause annoyance and damage to the person and property of others in the Town of Poland, and the Town Board of the Town of Poland believes that the enactment of this local law will protect the health, safety and property of persons from annoyance and damage caused by dogs.

Section 2. Definitions:

As used in this local law, the following words shall have the following respective meanings:

"DOG WARDEN": The person or persons authorized by the Town Board from time to time, by resolution, to enforce the provisions of this local law. A dog warden shall have all of the powers of a constable or other police officer in the execution of the provisions of this local law, including service of Summons, the service of an appearance ticket pursuant to and in accordance with the provisions of the Agriculture and Markets Law of the State of New York, and the service and execution of any other order or process, notwithstanding any provisions of the Justice Court Act.

"OWNER": Any person who is a licensed owner of a dog, and/or any person who keeps, feeds or harbors a dog for a period in excess of one week. The owner need not be a resident of the Town of Poland, and it will be sufficient to show a violation of this local law if the dog is in the portion of the Town of Poland described in Section 3 hereof.

Section 3. Area of Town to which this Local Law is Applicable:

This local law shall apply to that portion of the Town of Poland described as follows: The portion of the Town of Poland constituting the ^{the} Lighting District ^{the} located in and around the hamlet of Kennedy.

Section 4. Restrictions:

It shall be unlawful for any owner of or any person harboring any dog to permit or allow such dog while in the applicable area of the Town of Poland, to:

Agriculture and Markets Law and this local law.

by this Board by resolution in accordance with the provisions of the for such violation. The appearance ticket shall be in the form prescribed

local law in his presence shall issue and serve an appearance ticket B. The Dog Warden or peace officer observing a violation of this

Town Constable or Police or any other enforcement officer.

A. This local law shall be enforced by the Dog Warden or by the

Section 6. Enforcement:

period.

shall be confined to enclosed premises of such person during such

dog to permit such dog to run at large when in heat, and such dog

It shall be unlawful for the owner or person harboring any female

Section 5. Female Dogs:

and Markets Law.

H. Remain in the Town of Poland unless licensed in accordance with the provisions of the New York State Agriculture

G. To tip over garbage or ash cans or other devices used to contain refuse.

F. Defecate in such a way as to cause annoyance to persons other than the owner.

E. Habitually chase or bark at motor vehicles.

D. Chase or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

C. Cause damage or destruction to property, or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.

B. Engage in habitual loud howling or barking or to conduct itself in such a manner as to habitually annoy any person other than the owner or person harboring such dog.

be considered as accompanied by its owner.

person. For the purposes of this ordinance, a dog or another person with knowledge and consent of such other the owner's property or on the private property of person able to control the animal, except when on

or unless accompanied by its owner or a responsible collar and leash no longer than eight (8) feet long,

A. Run at large without being restrained by an adequate

- A. The owner of a dog who is issued an appearance ticket pursuant to Section 6 herein, may answer the same by registered or certified mail, return receipt requested, within five (5) days of the violation hereunder provided, in lieu of a personal appearance on the return date at the time and court specified in said appearance ticket.
- B. If the person charged with the violation admits to the

Section 11. Trial Procedure:

while impounded.
a fee of Two Dollars (\$2.00), plus the charge for the care of the dog
If the dog is to be redeemed, the owner shall pay the Dog Warden

Section 10. Redemption:

owner, within seven (7) days of seizure.
redeems the dog, if permitted, or unless a trial is demanded by the
or to dispose of the dog by sale or other means, unless the owner
shall be authorized to destroy the dog seven (7) days after impounding
the owner is unknown, the Warden or other law enforcement officer
In the event that the dog seized does not bear a license tag, or

Section 9. Seizure of Unlicensed Dogs:

within twelve (12) days of the impounding of the dog.
that the dog will be destroyed unless redeemed or a trial demanded
seized, indicating when, where and why the dog was seized, and stating
upon the owner an instrument, in writing, stating that the dog has been
the name of the owner and give the owner immediate notice by serving
seizing the dog shall, within three (3) days thereafter, ascertain
In the event that the dog seized bears a license tag, the person

Section 8. Seizure of Licensed Dogs:

law.
shall have been made in accordance with the provisions of this local
fed and cared for at the expense of the Town until disposition thereof
by the Town Board as a place of detention, and there shall be properly
shall be impounded and taken to such place as may be designated

Section 7. Violations:

Any dog which violates any of the provisions of this local law

by kept for one (1) year.

and such records shall be open to public inspection. Such records shall the general fund of the Town. The Town shall keep a record of all sales price as he shall determine to be fair and shall deposit such sum in

The Warden is hereby authorized to sell any dog impounded at such

Section 13. Sale of Impounded Dog:

official as hereinafter provided.

and it may thereafter be sold by the Town or destroyed by the appropriate

time hereinafter set forth, the owner shall forfeit title to the dog,

If an impounded dog is not redeemed or a trial demanded within the

Section 12. Forfeiture of Title to Dog:

apply.

procedure and proof applicable in criminal actions shall the Town Justice Court as soon as possible. The rules of Justice so that the matter will appear on the docket of immediately proceed to file an information with a Town The Warden, or other law enforcement officer shall the dog while impounded and demand, in writing, a trial. bail of twenty-five dollars (\$25.00), pay for the care of and the owner of the dog denies a violation, he shall post based upon an information and not an appearance ticket, D. In the event that there is a violation of this local law

dog while impounded.

trial as provided herein, shall pay for the care of the charged with a violation hereunder, should he request a issued pursuant to the Criminal Procedure Law. The person be forfeited, and a summons or a warrant of arrest may be section, the security posted to secure such appearance shall at a return date when such is provided for pursuant to this upon appearance thereat. If a person shall fail to appear return date and/or trial and the security shall be returned be notified by return mail of the date and place of such date established by said court officer. Such person shall answer shall be entered in the docket, and a new return specified on such appearance ticket. Upon receipt, such of fifteen dollars (\$15.00) to the office of the court together with a certified check or money order in the amount for that purpose and forward such appearance ticket to- he may complete the appearance ticket likewise prescribed all of the violation as charged in the appearance ticket, C. If the person charged with the violation denies part or

the violation charged shall be submitted with such answer. fines for violations of this local law and a certified ticket shall set forth the schedule of penalties and specified on such appearance ticket. Such appearance and forward such form and appearance ticket to the office complete the appropriate form on such appearance ticket

filed w. Th Secy. of State April 17, 1978

Home Rule Law.

Secretary of State in accordance with the provisions of the Municipal

This local law shall take effect on the date of filing with the

Section 18. Effective Date:

the dog.

and no action shall be maintainable thereafter to recover the value of

provisions of this local law shall not be entitled to any compensation

The owner, possessor or harbinger of any dog destroyed under the

Section 17. No Compensation for Dogs Destroyed:

remainder of this local law shall be deemed valid and effective.

If any section of this local law shall be adjudged invalid, the

Section 16. Severability:

in the discretion of the court.

dog found to be dangerous may be ordered securely confined or destroyed

violation, a fine of Seventy-five Dollars (\$75.00). In addition, a

fine of Fifty Dollars (\$50.00); and for a third and subsequent

violation of Twenty-five Dollars (\$25.00); for a second violation, a

person convicted of a violation shall be liable to a fine for a first

A violation of this local law shall be deemed an offense, and a

Section 15. Penalties for Offenses:

on file for one (1) year.

make a report in writing to the Town Clerk. This report will be kept

and dispose of the carcass. Any Dog Warden that destroys a dog must

veterinarian or Dog Warden in his facilities, to humanely destroy

Warden or other law enforcement officer shall arrange, through a

In the event that it becomes necessary to destroy a dog, the

Section 14. Dogs Destroyed: