

LOCAL LAW NO. 1 FOR THE YEAR 2010

**TOWN OF CHARLTON
SARATOGA COUNTY, NEW YORK**

DOG CONTROL LAW FOR THE TOWN OF CHARLTON

**A LOCAL LAW REPEALING LOCAL LAW NO. 1 OF 1978
AS AMENDED BY RESOLUTION NO. 49 AS APPROVED
ON JUNE 4, 1990 AND IN ITS PLACE ESTABLISHING A
NEW LOCAL LAW FOR PURPOSES OF DOG CONTROL
WITHIN THE JURISDICTION OF THE TOWN OF CHARLTON,
SARATOGA COUNTY, NEW YORK**

Section 1 PURPOSE.

The Town Board of the Town of Charlton finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has and may cause physical harm to persons, damage to property and nuisances within the Town. The purpose of the 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.

Section 2 AUTHORITY.

This Local Law is enacted pursuant to the provisions of the Agriculture and Markets Law of 2010 (Article 7, Local law 59; Part T), as amended and the Municipal Home Rule Law of the State of New York.

Section 3 TITLE.

The title of this Law shall be Dog Control Law of the Town of Charlton.

Section 4 DEFINITION OF TERMS.

As used in this Local Law the following words shall have the following respective meanings:

- a) "Dog" means male and female, licensed and unlicensed, members of the species canis familiaris.
- b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover 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. Any person owning or harboring a dog for a period

of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this local law.

- c) "Run at Large" means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands. All dogs must be leashed or under complete control of the owner when off the owner's property.
- d) "Town" means the Town of Charlton.

Section 5 RESTRICTIONS.

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

- a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- b) Engage in habitual and loud howling, barking, crying or whining or any other similar action so as to unreasonably and habitually disturb the comfort of any person other than the owner of such dog.
- c) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the property owner.
- d) Chase, jump upon 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.
- e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place; or upon private property, without the consent or approval of the owner of such property.
- f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

Section 6 RESPONSIBILITY FOR FECES CLEANUP.

It is the responsibility of each person who owns, possesses or controls a dog to remove and dispose of any feces left by such dog on any sidewalk, gutter, street, park, cemetery, schoolyard or any public property or on any private property which is not owned or occupied by said responsible person. Such owner, keeper or person when walking or in charge of a dog on public property or in a private area must have in their possession an appropriate device for removing such feces and an appropriate depository for the transmission of feces to:

- a) A receptacle located on the property of the owner or keeper of the dog
- b) This provision shall not apply to a person who is visually disabled with a Seeing Eye Dog
- c) If the owner or keeper is a minor then the parents or guardian will be responsible for the actions of the minor.
- d) Penalty for failure to comply with this provision: \$50.00 for a first offense; \$75.00 for a second offense and \$100.00 for a third or further offense.

Section 7 LICENSING OF DOGS.

- a) All dogs in the Town of Charlton must be licensed by the Town Clerk by the age of 4 months. Owners are required to present a current Certificate of Rabies at the time of the licensing or the renewal of an existing license.
- b) Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$8.00 per year and the fee for an unsprayed or unneutered dog will be \$13.50 per year, with such fees being reviewed by the Town Board periodically. Owners who allow lapses in the renewal of their dog license will be charged for each year during which time the license was allowed to lapse.
- c) All dog licenses will be for a period of one year, provided that the rabies vaccination will cover the complete period of the license. Further, the license shall expire at the end of the month one year from the date of issue.
- d) Enumeration Fee: When the Town Board determines the need for a dog enumeration, a fee of \$25 per dog, in addition to the license fee, will be assessed for all dogs found unlicensed or un-renewed at the time the enumeration is conducted.
- e) Purebred Licenses: The Town of Charlton will not issue Purebred or Kennel licenses. All dogs will be licensed individually as stated in Section 7 of this Local Law.
- f) Service Dogs: Service dogs must be licensed, and proof of rabies vaccination provided. The Town of Charlton will not require a fee for any guide dog, service dog, hearing dog or detection dog.
- g) All dog licenses may be purchased either from the Town Clerk's Office or by regular mail. If renewing a license by mail, the appropriate fee must accompany the renewal. There will be NO refund of fees.
- h) 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 are as follows: First Offense: The impoundment and euthanasia fees, per animal, which is charged to the Town for such impoundment or euthanasia service. Second Offense: \$60.00 plus the impoundment and euthanasia fees, per animal, as charged to the Town for impoundment or euthanasia service.

Section 8 SEIZURE OF DOGS AT LARGE.

Any dog found to be running at large in violation of Section 118 of the Agriculture and Markets Law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner, adopted or disposed of as provided by Section 118 of the Agriculture and Markets Law. The Town of Charlton Dog Control Officer uses the Saratoga County Animal Shelter as the place for compliance with Section 118 requirements related to sheltering, feeding, watering and holding until redemption by the owner. Dog owners in the Town of Charlton shall be responsible for the payment of all fines as set forth in paragraph 4 of Section 118 of the Agriculture and Markets Law. Matters related to subdivisions 6, 8 and 9 of Section 118 of the Agriculture and Markets Law shall be determined by the practices and procedures of the Saratoga County Animal Shelter.

Section 9 DUTIES OF DOG CONTROL OFFICER.

A Dog Control Officer designated by the Town Board, as provided by Section 114 of the Agriculture and Markets Law, may enforce the provisions of this Local Law and may also investigate and report to the Town Justice of the Town of Charlton any dangerous dog, as described in Section 121 of the Agriculture and Markets Law, and see that the order or orders of the Town Justice in such case are carried out.

Section 10 FILING OF COMPLAINTS.

Any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner may file a signed complaint, under oath, with a Town Justice of the Town of Charlton specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog.

Section 11 NOTICE TO OWNER; HEARING.

Upon receipt of a complaint charging a violation of this article, the Town Justice shall cause to be served upon the owner or other person harboring said dog, a notice that a complaint has been filed and the general nature thereof. Such notice shall state that the person upon whom it is served shall attend before the Town Justice, at a time and place which shall not be less than three days after the date of service, and that the person so served may make and sign a statement, under oath, making a general denial of the complaint or an explanation justifying the conduct of the dog.

Section 12 PENALTIES FOR OFFENSES.

A violation of this Local Law shall be deemed an offense against this Local Law, and any person convicted of such violation shall be liable for the penalty set forth in Section 119 of the Agriculture and Markets Law.

Section 13 PERIOD FOR IMPOUNDMENT.

Dogs impounded under the provisions of this Local Law or under the provisions of Section 118 of the Agriculture and Markets Law shall be held for redemption not less than five (5) days.

Section 14 SEVERABILITY.

Each separate provision of this Local Law 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 15 REPEALER.

This Local Law shall supersede and revoke all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Charlton.

Section 16 EFFECTIVE DATE.

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