

TOWN OF EATON DOG CONTROL LAW

Be it enacted by the Town Board of the Town of Eaton as follows:

SECTION 1. Purpose

The purpose and intent of this Local Law shall be to preserve the public peace and good order of the Town of Eaton, Madison County, New York, to contribute to the public welfare and to the preservation and protection of the property and person of the inhabitants of said Town by declaring and enforcing certain regulations and restrictions on activities of dogs and owners within the Township.

SECTION 2. EXCLUSIONS

This local law shall not apply to dogs owned by such persons or confined to such societies, hospitals or institutions as defined by Article 7, Section 127 of the Agricultural and Markets law.

SECTION 3. Definitions.

- (a) **DOG.** Any dog, both male and female, whether such female dog is spayed or not.
- (b) **OWNER.** Any person who owns, keeps, harbors, or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minors parents, or other head of household where the minor resides.
- (c) **AT LARGE.** Any dog shall be deemed at large when it is off the property of its owner, and not under restraint.
- (d) **RESTRAINT.** A dog is under restraint when it is controlled by a leash, or in the presence of a competent person and obedient to that person's commands; or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper, or upon the premises of another with the consent of such other person.

SECTION 4. DOG WARDEN

The position of the Dog Warden may be created by the Town Board of the Town of Eaton and such Dog Warden shall have all of the powers and duties of a peace officer in the execution of this local law and in the execution of Article 7 of the Agriculture and Markets Law, including the service of summons, and the service and execution of any other order of process. Every dog seized by the Dog Warden shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Markets Law.

SECTION 5. RESTRICTIONS.

- (a) No owner shall permit or allow a dog to run at large within the Town of Eaton, unless such dog shall be restrained as provided in Section 3 (d) herein.
- (b) No dog shall be permitted to cause damage or destruction to property, or commit a nuisance, or to defecate upon the premises of a person, other than to or upon the premises of the owner of persons harboring such dog.
- (c) No owner shall keep or harbor a dog which howls or barks so as to disturb the peace and quiet of other persons.
- (d) No dog shall be permitted to chase or otherwise harass any person in such manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury except in defense of property or inhabitants.
- (e) No dog shall be permitted to chase or bark at moving motor vehicles, bicycles, animals, or snowmobiles.
- (f) No unsprayed dog in season shall be permitted to be outside a building or a fenced enclosure, except that the owner may exercise such dog on a securely fastened leash not more than six feet long.
- (g) No owner shall fail to provide dogs with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (h) **SECTION 6. UNLICENSED DOGS.**
- (i) Pursuant to Section 126A of the Agriculture and Markets Law, owning or harboring a dog within the Town of Eaton unless such dog is licensed as required by the provisions of the Agriculture and Markets Law shall be an offense or violation. The fact that a dog is without a license tag, attached to a collar, shall be presumptive evidence that the dog is unlicensed.

SECTION 7 VIOLATIONS OF RESTRICTIONS.

- (a) Any person who observes a dog violating, or which is being permitted to violate any of the restrictions set forth in Section 5 herein, may file a complaint, signed under oath, with the Town Justice, Town of Eaton, specifying the violation, the date thereof, damage, if any, caused, a description of the dog, and name and residence if known, of the owner or other person harboring such dog.
- (b) Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, or the owner thereof, the Town Justice shall, upon a three notice, summon the alleged owner or other person harboring said dog to appear in person before him to answer to said complaint. If the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for said person.

SECTION 8. PENALTIES.

A Violation of the Local Law shall be deemed an offense and a violation thereof shall be punishable by a fine of not more than \$25.00 for each violation.

SECTION 9 ADDITIONAL CIVIL PENALTIES.

- (a) Any violation of the Local Law observed by or acted upon by the Dog Warden, shall subject the owner of such dog to civil penalties which shall be in addition to or instead of such other penalty or fine as may be provided for in this Local Law or pursuant to article 7 of the Agriculture and Market Law.
- (b) For the first violation of Section 5, the Dog Warden shall, upon determination and identification of the dog, serve, mail, or deliver a notice of first violation specifying the time, place, date, and nature of violation upon the owner of the dog, and which notice shall instruct the owner to report at the Town Clerks office of the Town of Eaton, New York, in regard to such violation. Each owner shall within seven (7) days of the time at which such notice was served, mailed or delivered, pay to the Town, as an additional Civil Penalty for such violations, the sum of \$15.00.
- (c) For a second or subsequent violation of Section 5 within a one year period, the Dog Warden may, upon determination and identification of the dog, seize the same, and hold the same for redemption or otherwise as provided in Section 114-A of the Agriculture and Market Law; in addition to such seizure and in any event, whether or not such seizure is made, the Dog Warden shall serve, mail or deliver to the owner of the dog a Notice of Second Violation, and which notice shall instruct the owner to report to the Town Clerks Office in regard to such violation. Each owner shall, within twelve (12) days of the time when such notice was served, mailed, or delivered, pay to the Town, as an additional Civil Penalty for such violation, the sum of \$25.00
- (d) The failure of such owner to make payment to the Town Clerk, shall render the owner subject to a civil action in the name of the Town, to recover from the owner the applicable penalty established in this section.

SECTION 10. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or provision of this local law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and holding shall not affect the validity of the remaining portions thereof.

SECTION 11. EFFECTIVE DATE.

This Local Law shall effect immediately upon its passage by the Town Board of the Town and its filing with the Secretary of State.

Local Law #4 of the year 1988

The Town of Eaton Dog Control Law is hereby amended as follows:

1. Sub-section 3(d) is modified by the insertion of the underlined phrase: " Restraint. A dog is under restraint when it is controlled by a leash, or in the presence of a competent person and obedient to that person's commands and not on the premises of another without consent; or on or within a vehicle being driven or parked on the street, or within the property limits of its owners or keeper, or upon the premises of another with the consent of such other person"