

ORDINANCE #33

PLEASE TAKE NOTICE that the Town Board of the Town of Bolton, after public hearing on March 1, 1978, did adopt the following ordinance on April 5, 1978:

AN ORDINANCE OF THE TOWN OF BOLTON TO RESTRAIN THE RUNNING AT LARGE OF UNMUZZLED DOGS, WHETHER LICENSED OR NOT

ADOPTED: APRIL 5, 1978
PUBLISHED: APRIL 1, 1978
EFFECTIVE: APRIL 21, 1978

AMENDED: MARCH 4, 1980
PUBLISHED: MARCH 15, 1980

AMENDED: JULY 6, 1982
PUBLISHED: JULY 10, 1982

AMENDED: AUGUST 6, 1985
PUBLISHED: AUGUST 16, 1985

AMENDED: JULY 24, 1987
PUBLISHED: JULY 31, 1987

AMENDED: APRIL 22, 1998
PUBLISHED: APRIL 26, 1998

AMENDED: JULY 5, 2000
PUBLISHED: JULY 11, 2000

Legislative Intent: This ordinance is enacted pursuant to the authority conferred upon town boards under Section 130, subdivision 9, of the Town Law, Article 7 thereof, and is designed to restrain the running at large of unmuzzled dogs, whether licensed or not.

SECTION 1

No person owning a dog whether male or female and whether licensed or not, shall permit the same to be on any street, any park or any public place, or upon an open, unfenced area or lot in the Town of Bolton unless such dog is effectively muzzled or restrained by a chain or leash not exceeding six feet in length and in charge of and under the control of a competent person. No person owning a dog whether male or female and whether licensed or not shall permit the same to kill or injure any dog, cat or other household pet. A dog need not be so muzzled or restrained if in charge of and under the direct control of the owner who is then engaging in any activity permitted by Sections 11-0923 or 11-0925 of the Environmental Conservation Law. Dogs and cats are prohibited within all Town parks at anytime.

1(a) No person owning a dog shall permit the same to (a) engage in habitual, loud howling, barking, crying or whining or to otherwise annoy any person, or (b) cause damage or destruction to property, or (c) commit a nuisance by defecating or urinating upon another's property.

SECTION 2

The owner of the dog who violates or permits the violation of any of the provisions of this ordinance shall be deemed to have committed an offense against this ordinance and also shall be liable for any such violation or the penalty therefor.

SECTION 3

For every violation of any provisions of this ordinance a person violating the same shall, upon conviction therefore, be subject to a fine of not more than twenty-five dollars for a first violation; not more than fifty dollars for a second violation; and not more than seventy-five dollars for the third violation and all subsequent violations.

SECTION 4

A person violating any provision of this ordinance may be issued an appearance ticket by the dog control officer pursuant to the criminal procedure law for any violation thereof. An answer to such appearance ticket may be made by registered or certified mail, return receipt requested within five days of the violation as provided in sections 5 and 6 of this ordinance, in lieu of personal appearance on the return date at the time and court specified in said appearance ticket. The dog control officer of the Town of Bolton shall and all peace officers may administer and enforce the provisions of this law, and for the purpose of shall have the authority to issue appearance tickets and to seize dogs whether on or off the owner's premises if witnessed to be in violation of this law.

SECTION 5

If a person charged with the violation of this ordinance admits to the violation as charged in the appearance ticket, said person may complete the reverse side of said ticket and forward such appearance ticket to the office specified on such ticket. The schedule of penalties set forth in Section 3 of

this ordinance shall be set forth on said answer form, and a check or money order in the amount of the penalty for the violation charged, included in such schedule, must also be submitted with such answer.

SECTION 6

If the person charged with the violation denies part or all of the violation charged in the appearance ticket, said person may complete the appropriate form on the reverse side of said ticket prescribed for that purpose and forward such ticket to the office specified on such ticket, together with security in the amount of fifteen dollars. Upon receipt, such answer shall be entered and a new return date established by said office. Such person shall be notified by return mail of the date and place of such return date and the security shall be returned upon appearance threat. If a person shall fail to appear at a return date, when such is provided pursuant to this section, the security posted to secure such appearance shall be forfeited and a summons or a warrant of arrest may be issued pursuant to the criminal procedure law.

SECTION 7

In addition to the penalties provided for in Section 3, hereof, any peace officer, any dog control officer or designated representative of the commissioner of agriculture and markets of the State of New York may seize any dog not so restrained or muzzled as herein-above provided when found of the owner's premises, and the disposition of said dog shall be in accordance with the provisions of Section 118, or 121 of the Agriculture and Markets Law, which are incorporated in and made part of this ordinance.

SECTION 8

The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Section 7 of this Ordinance are as follows:

1. \$35.00 plus the prevailing charge to the Town of Bolton for each day of impoundment for the first impoundment.
2. \$20.00 plus the prevailing charge to the Town for each day of impoundment for the second impoundment.

3. \$30.00 plus the prevailing charge to the Town of Bolton for each day of impoundment for the third impoundment.

If not redeemed, the owner shall forfeit all title to the dog and the dog shall be released to an authorized humane society or kennel to be adopted or euthanized.

SECTION 9

All female dogs shall be confined to the premises of the owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the dog control officer and removed to a safe place of confinement.

SECTION 10

All premises occupied and used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water, or space and/or shelter shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on premises, and to be reasonably sheltered from the elements. Upon conviction of the owner or harbinger, the dogs become the property of the Town of Bolton to be released to an authorized humane society, veterinary or kennel for adoption or euthanasia.

SECTION 11

No person shall hinder, resist, or oppose the dog control officer or peace officer authorized to administer or enforce the provisions of this law in the performance of the officer's duties under this law.

SECTION 12

The owner or harbinger of any dog destroyed under the provisions of this law, whether destroyed by the dog control officer or peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable regarding the recovery of the value of such dog or any other type of damage.