

Section 7. Penalties:

Any person convicted of a violation of this local law shall be liable to a civil penalty not exceeding twenty-five dollars (\$25.00) for a first violation, not exceeding fifty dollars (\$50.00) for a second violation and not exceeding seventy-five dollars (\$75.00) for each subsequent violation.

Section 8. Separability:

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 9. Repealer:

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Lumberland and they shall be, upon the effectiveness of this local law, null and void.

Dated: January 1, 1980

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF LUMBERLAND

Dog Control Law
of the
Town of Lumberland
Local Law No. 1 of the Year 1979.

A local law relating to the control, confining and leashing of dogs.

Section 1. Purpose

The town board of the Town of Lumberland finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have 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.

Section 2. Authority:

This local law is enacted pursuant to the provisions of Article Seven of the Agriculture and Markets Law 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 Lumberland".

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 and 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 warden 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 the filing of any complaint charging a violation of this local law, shall be held and deemed to be the owner of such dog for the purpose of this local law. In the event the owner of any dog found to be in violation of this chapter shall be under eighteen years of age, the head of the 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 violation of this local law.

(c) Run at large means to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

(d) Town means the Town of Lumberland.

(e) Dog Warden means a dog control officer on or after January 1, 1980.

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 restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the local law, a dog or dogs hunting in 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 so as to unreasonably and habitually disturb the comfort or repose 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 owner thereof.

(d) Chase, jump upon or at or otherwise harass any person in such a 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, 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.

(g) If a female dog when in heat, be off the owner's premises unrestrained by a leash.

Section 6. Fees for Seizure of Dogs:

The fee for seizure and impoundment of dogs in violation of Article 7 of the Agriculture and Markets Law and of paragraph (a) of Section 5 of the local law are as follows:

(a) The dog warden or any peace officer shall seize (1) any unlicensed dog whether on or off the owner's premises, (2) any dog not wearing a tag, and after January 1, 1980, not identified, and which is not on the owner's premises and (3) any dog found in violation of paragraph (a) of Section 5 of this local law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law. The dog warden or peace officer may also investigate and report to a town justice of the town any dangerous dog as described in Article 7 of the Agriculture and Markets Law, and see that the order of the town justice in such case is carried out.

(b) The dog warden or a peace officer observing a violation of this local law in his presence shall issue and serve an appearance ticket for such violation.

(c) Any person who observes a dog in violation of this local law may file a complaint under oath with a town justice of the Town 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 such dog. Such complaint may serve as the basis for enforcing the provisions of this local law.