

Chapter 46

DOGS

ARTICLE I Control of Dogs

- § 46-1. Title.
- § 46-2. Purpose; statutory authority.
- § 46-3. Definitions.
- § 46-4. Owner responsibility.
- § 46-5. Prohibited conduct.
- § 46-6. (Reserved)
- § 46-7. Signs of rabies.
- § 46-8. Enforcing officials.
- § 46-9. Complaints; appearance tickets.
- § 46-10. Severability.
- § 46-11. Penalties for offenses.

ARTICLE II Licenses

- § 46-12. Purpose; statutory authority.
- § 46-13. Licenses required; fees.
- § 46-14. Purebred dogs.

ARTICLE III Impoundment

- § 46-15. Seizure of dogs.
- § 46-16. Notice of seizure.
- § 46-17. Care of dogs seized.
- § 46-18. Redemption period.
- § 46-19. Redemption fees; payment of penalties required before redemption.

[HISTORY: Adopted by the Town Board of the Town of Owego 2-26-2003 by L.L. No. 1-2003.¹ Amendments noted where applicable.]

ARTICLE I Control of Dogs

§ 46-1. Title.

This article shall be known as "Control of Dogs."

§ 46-2. Purpose; statutory authority.

It is the purpose and intent of this article to preserve the good order of the Town of Owego and the public peace and to contribute to the protection of the health, safety and general welfare of the inhabitants of the Town of Owego by declaring and maintaining certain regulations and restrictions on activities of dogs and owners of dogs within the Town. This article is enacted pursuant to the authority conferred upon the Town Board pursuant to § 130, Subdivision 9, of the Town Law and Article 7 of the Agriculture and Markets Law of the State of New York, and other applicable statutes pertaining thereto.

1. Editor's Note: This local law also repealed former Ch. 46, Dogs, consisting of Art. I, Running at Large, adopted 4-15-1969, as amended; Art. II, Licenses, adopted 9-18-1979, as amended; and Art. III, Impoundment, adopted 6-20-1989 by L.L. No. 5-1989, as amended.

§ 46-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AT LARGE — An unleashed and/or otherwise unrestrained dog in or on any property other than that of its owner or of person(s) consenting to the dog's presence.

DOG CONTROL OFFICER — The person or persons appointed by the Town of Owego for the purpose of assisting with the control of dogs and enforcing dog control provisions.

LEASHED or RESTRAINED BY A LEASH — That the dog is equipped with a collar or harness to which is attached a leash, both collar or harness and the leash to be of sufficient strength to restrain the dog, and which leash shall be held by a person having the ability to control and restrain the dog by means of the collar or harness and the leash.

OTHERWISE RESTRAINED — That the dog is kept in a kennel, fenced yard, training crate, automobile or any other area that prohibits the dog from being deemed at large.

OWNER — Includes 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 minor's parents or other head of the household where the minor resides.

§ 46-4. Owner responsibility.

An owner of any dog in the Town of Owego shall be legally responsible for such dog and shall ensure compliance with all provisions of this article. An owner who fails to ensure such compliance is guilty of a violation of this article.

§ 46-5. Prohibited conduct.

Dogs in the Town of Owego are not permitted to:

- A. Be at large in any public place (e.g., road, alley, park, or square) or any private property other than that of the owner or other consenting property owner(s);
- B. Exhibit a pattern of behavior over a period of five days or longer characterized by continual, repetitious, and/or frequent howling, barking or yelping which is audible beyond the property line of the premises on which the dog is located. Dogs engaged in herding of domestic animals are exempt from this section;
- C. Cause damage or destruction to the property or premises not belonging to the owner. For the purpose of this article, "damage" includes committing nuisances such as defecation;
- D. Chase or otherwise worry a person so as to put that person in reasonable fear of immediate bodily harm or injury, provided that such person is peaceably conducting himself or herself in a place where he or she may lawfully be; or
- E. Be kept unleashed or unrestrained if such dog has, without justification, previously bitten, attacked, threatened or inflicted physical injury on a person on public or private property or, when unprovoked, has chased or harassed a person on public grounds.

§ 46-6. (Reserved) ²**§ 46-7. Signs of rabies.**

- A. Any owner of a dog which is reasonably suspected to have rabies due to exhibited signs of rabies or interaction with or exposure to another rabid animal shall promptly notify the Town of Owego Dog Control Officer and the Tioga County Environmental Health Department and shall comply promptly and strictly with any and all directions given by the Tioga County Health Department regarding the observation and care of said dog by a veterinarian or the confinement, immunization or other legal disposition of such dog, under applicable state and local laws, rules and regulations.
- B. The Town of Owego Dog Control Officer or any police officer is hereby authorized to seize or direct the confinement of any dog that is reported to have rabies.

§ 46-8. Enforcing officials.

The Dog Control Officer appointed by the Owego Town Board shall enforce the provisions of this article.

§ 46-9. Complaints; appearance tickets.

- A. The Town Board hereby authorizes the issuance of appearance tickets for violations of Article 7 of the Agriculture and Markets Law, of this article or of any other articles relating to the licensing, identification and control of dogs. The appearance ticket may be served either in person or by mail and shall be presented in the form prescribed by Town Board resolution in accordance with the provisions of Article 7 of the Agricultural and Markets Law and this article.
- B. Any person who observes or has knowledge of a dog causing damage or destruction to the property of any person other than its owner, committing a nuisance, including defecation, on premises other than its owner's, or committing an act prohibited by this article and other dog control related articles may file an information under oath with an Owego Town Justice specifying the prohibited conduct of the dog, the date thereof, any damage caused, a description of the dog and, if known, the name and residence of the owner of said dog.
- C. An enforcing official who observes, has knowledge of or has evidence of a violation of Article 7 of the Agriculture and Markets Law, of this article or of any other articles relating to the licensing, identification and control of dogs may issue and serve an appearance ticket for such violation.
- D. An answer to such appearance ticket shall be made within five days of the violation either in person or by mail in lieu of a personal appearance on a return date at the time and court specified in the appearance ticket.

2. Editor's Note: Former § 46-6, Invisible fencing, was repealed 3-18-2003 by L.L. No. 2-2003.

