

# LOCAL LAW #1 of 2015

## RESTRAINT OF DOGS AND REGULATION AND RESPONSIBILITIES OF DOG OWNERS

The Board of Trustees of the Village of Voorheesville, County of Albany, State of New York, does hereby enact the following Amendment of the Village of Voorheesville Ordinances to Restrain Dogs and Generally Regulating Dog Owners' Responsibilities, as amended in 1977.

### Section 1:

It shall be unlawful for any owner of or any person harboring any dog to permit or allow such dog to:

- a) engage in habitual loud howling or barking or to conduct itself in such manner so as to habitually annoy any person other than the owner or person harboring such dog. Any unreasonable or unnecessary noise by continuous barking, howling, or other animal noises is considered to be habitual after fifteen (15) minutes.
- b) cause damage or destruction to property, or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog,
- c) chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury,
- d) habitually chase or bark at motor vehicles or,
- e) be out-of-doors unless said dog is restrained by a leash or other means (such as a fence); or unless accompanied by its owner or a responsible person able to control the animal;
- f) leave the owner's premises unless restrained by a leash; or
- g) leave waste on any private property or on public property as fully described in Village of Voorheesville Local Law No. 2 of 1999.

### Section 2:

It shall be unlawful for a person harboring a female dog in any area of the Village of Voorheesville to permit such dog to run at large when in heat and such dog shall be confined to the premises of such person during such period.

### Section 3:

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 or otherwise violating any of the provisions of this ordinance may file a signed complaint, under oath, with the Village Clerk of the Village of Voorheesville 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 4:**

Upon receipt by the Village of any complaint against the conduct of any particular dog, the Village Clerk, or other official authorized to act on behalf of the Village, may summon the alleged owner or other person harboring said dog to appear in person before the local Justice court; and if the summons is disregarded, the Justice may permit the filing of any information and issue a warrant for the arrest of such person.

**Section 5:**

Any person who violates this Local Law or knowingly permits the violation of this Local Law, or any of the provisions hereof, shall be deemed to have committed an offense against this Local Law and any person convicted of any such violation, after investigation and hearing, shall be punishable by penalty of not less than \$50.00 (FIFTY DOLLARS), plus prosecution fees for the first offense; and \$100 (ONE HUNDRED DOLLARS) plus prosecution fees for each subsequent violation of this Local Law.

Violations of Section 1(a) of this Local Law are subject to penalties under Local Law 1 of 2002, the Noise Control Law. Such penalties subject violators of this law to a fine not less than \$250.00 (TWO HUNDRED FIFTY DOLLARS) for each offense.

**Section 5A:**

The Town of New Scotland is designated by the Village Board, as provided by Article VII of the Agriculture and Market Law, to enforce the provisions of this Local Law, or Local Law #2 of 1999.

**Section 5B:**

The daily boarding charge for any dog seized by the Village or Town Dog Warden under this Local Law or pursuant to the authority given the Village or Town Dog Warden under the Agriculture and Market Law, as the same may from time to time be amended, which dog is boarded at a Village or Town designated Kennel, shall be assessed at the prevailing cost charged by such designated kennel.

**Section 5C(a):**

The Village or Town Dog Warden may issue appearance tickets pursuant to the Criminal Procedure Law to any person who violates this Local Law or who knowingly permits the violation of this Local Law or any of the provisions thereof. An answer to such appearance ticket may be made by registered or certified mail, return receipt requested, within 5 days of the violation as provided in paragraphs "(b) and (c)" of this Section 5C in lieu of personal appearance on the return date at the time and place specified.

**Section 5C(b):**

If a person charged with the violation admits to any violation as charged in the appearance ticket, he may complete an appropriate form authorized by this Local Law and forward such form and appearance ticket to the office specified on such appearance ticket. If a schedule of penalties for violations has been established, and such schedule appears on the answer form, a check or money order in the amount of the penalty for the violation charged, if included in such schedule, must also be submitted with such answer.

**Section 5C(c):**

If the person charged with the violation denies part or all of the violation as charged in the appearance ticket, he may complete an appropriate form likewise prescribed for that purpose and forward such form and appearance ticket, together with security in the amount of \$100.00 (One Hundred Dollars) to the office specified on such appearance ticket. Upon receipt, such answer shall be entered and a new return date and place of such return 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 of the alleged offender. If a person shall fail to appear at a return date, the security posted to secure such appearance shall be forfeited and a summons or a warrant of arrest be issued pursuant to the Criminal Procedure Law.

Adopted: January 27, 1970

Amended: Local Law #1 of 1977

Amended: Local Law #1 of 2007

Amended: Local Law #1 of 2015

**Effective Date:**

This Local Law shall take effect immediately upon filing with the NYS Secretary of State.