

**A LOCAL LAW TO IMPOSE RESTRICTIONS UPON
THE KEEPING OF DOGS WITHIN THE TOWN OF
LAFAYETTE**

(Amended by Local Law No. 2-2002, Local Law 2-2004,
Local Law 1-2007)

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

SECTION 1. Purpose

The Town of LaFayette, New York finds that the uncontrolled behavior of dogs has caused physical harm to persons, damage to property and 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 and regulations upon the keeping of dogs within the Town.

SECTION 2. Authority.

This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law.

SECTION 3. Definitions:

- a. "Owner" means any person who harbors or keeps any dog.
- b. "Harbor" means to provide food or shelter to any dog.

SECTION 4. Restrictions.

It shall be unlawful for any Owner of any dog to permit or allow such dog in the Town of LaFayette to:

- a. bark, whine or make other noise for a period of at least fifteen (15) minutes within any one-hour period, which barking, whining or other noise can be heard from a location outside of the owner's premises and would disturb a reasonable person of normal sensitivities. (Amended 3/8/04 Local Law 2-2004).
- b. cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such 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, run along side of or bark at motor vehicles or bicycles.

SECTION 5.

All owners of female dogs in heat shall keep such dogs confined in such manner as to not be in contact with other dogs (except for intentional breeding purposes) and so as to avoid creation of a nuisance by attracting other dogs.

SECTION 6. Enforcement.

This Local Law shall be enforced by any dog control officer, peace officer, when acting pursuant to special duties, or police officer in the employ of or under contract to the Town of LaFayette.

SECTION 7. Seizure, Impoundment, Redemption and Adoption.

- a. any dog found in violation of the provisions of Sections 4 and 5 of this Local Law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- b. every dog seized shall be properly cared for, sheltered, fed and watered for the redemption period set forth in Section 118 of the Agriculture and Markets Law.
- c. dogs seized pursuant to this Local Law or pursuant to the New York State Agriculture and Markets Law may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying fees as set from time to time by resolution of the Town Board.” (Amended 4/8/02 Local Law 2-2002 and 1/8/07 Local Law 1-2007).
- d. if the Owner of any unredeemed dog is known, such Owner shall be required to pay the impoundment fees as set by the Town Board in accordance with this subdivision c. of this Section, whether or not such Owner chooses to redeem his dog.” (Amended 4/8/02 Local Law 2-2002).
Section, whether or not such owner chooses to redeem his dog.
- e. any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agricultural and Markets Law.

SECTION 8. Complaint.

Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Justice of the Town of LaFayette 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 the dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.

SECTION 9. Appearance Ticket.

Any dog control officer or peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of LaFayette, having reasonable cause to believe that a person has violated this Local Law, shall issue and serve upon that person an appearance ticket for the violation.

SECTION 10. Penalties.

Any person convicted of a violation of this Local Law shall be deemed to have committed a misdemeanor and shall be subject to a fine not exceeding \$250.00 or subject to imprisonment for a period not exceeding 30 days.

SECTION 11. Separability.

Each separate provision of this Local Law shall be deemed independent of all other provisions, and if any provision shall be deemed or declared invalid, all other provisions shall remain valid and enforceable.

SECTION 12. Effective Date.

This Local Law shall take effect upon its filing in the Office of the Secretary of State.