

TOWN OF VOLNEY DOG ORDINANCE

May 10, 1984

#1. DEFINITION

As used in this ordinance, the following shall have the meanings indicated.

OWNER: Includes any person harboring or keeping a dog, and the parent, guardian or other adult person with whom a minor dog owner resides.

#2. RABIES VACCINE REQUIRED

No person shall keep or maintain a dog within the limits of the Town of Volney unless it shall have been vaccinated by a licensed veterinarian with three year anti-rabies vaccine.

#3. DOGS AT LARGE NOT PERMITTED: LEASH REQUIREMENTS

No dog shall be permitted to run at large within the limits of the town. A dog shall be deemed to be at large if elsewhere than on the premises of the owner and not accompanied by the owner or his agent having said dog under his control at all times so as not to harm, injure or destroy the person or property of another. Where a dog does not readily obey commands by the owner or his agent, said dog shall be leashed when off the owners premises.

#4. FEMALE AND DANGEROUS DOGS TO BE CONFINED

No unspayed female dog in heat and no dog of vicious or dangerous propensities shall be permitted to be off the premises of the owner. If any such dog is found off the premises of the owner and same cannot be safely taken and impounded, any peace officer may kill the same.

#5. PROHIBITED NUISANCES

No owner or harbinger of a dog shall permit or allow such dog to urinate, defecate or commit any other nuisances or damage to public property in any park, public buildings, street, parking lot, alley or sidewalk, nor on any private property of another without the consent of such owner.

#6. MAINTAINING DOGS WHICH HABITUALLY BARK OR CRY

No owner or harbinger of a dog, or person having charge or custody of a dog, shall permit such dog to habitually and in a prolonged manner bark, whine or howl so as to disturb the quiet of the neighborhood.

#7. STATE LAW PROVISIONS

Dangerous dogs may be dealt with pursuant to the provisions of #121 of the Agriculture and Markets Law.

#8. DOG CONTROL OFFICER

A. The Dog Control Officer of the Town of Volney shall be appointed by the Town Board and shall enforce all laws pertaining to dogs in the Town of Volney, including the Agriculture and Markets Law of the State of New York and the Dog Ordinance of the Town of Volney.

B. The Dog Control Officer shall work in conjunction with the office of the Town Clerk and shall be available on a schedule to be determined by the town Board.

#9. SEIZURE AND IMPOUNDING OF DOGS: REDEMPTION PERIODS: IMPOUNDMENT FEES: ADOPTION

A. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer in the employ of or under contract to a municipality shall seize:

(a). any dog which is not identified and which is not on the owner's premises; and,

(b). any dog which is not licensed, whether on or off the owner's premises.

B. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer in the employ of or under contract to a municipality may seize any dog in violation of any local law or ordinance relating to the control of dogs, adopted by any municipality pursuant to the provisions of this article.

C. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

D. Each dog which is not identified, whether or not licensed shall be held for a period of five (5) days from the day seized during which period the dog may be redeemed by its owner provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this article and further provided that the owner pays the following impoundment fees:

(a). ten dollars (\$10.00) and a boarding fee of Four (\$4.00) per day for the first impoundment of any dog owned by that person.

(b) twenty dollars (\$20.00) for the first twenty-four hours (24) or part thereof and four dollars (\$4.00) for each additional twenty-four hours (24) or part thereof for the second impoundment, within one year (1) of the first impoundment, of any dog owned by that person; or,

(c) thirty dollars (\$30.00) for the first twenty-four hours (24) or part thereof and four dollars (\$4.00) for each additional twenty-four hours (24) or part thereof for the third and subsequent impoundments, within one year (1) of the first impoundment, of any dog owned by that person.

E. All impoundment fees shall be the property of the municipality to which they are paid and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto including subsidizing the spaying or neutering of dogs and any facility as authorized under section one hundred seventeen (117) of this article used therefor, and subsidizing public humane education programs in responsible dog ownership.

F. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested of the facts of the seizure and the procedure of redemption. If notification is personally given, such dog shall be held for a period of seven days (7) after day of notice, during which period the dog may be redeemed by the owner. If such notification is by mail, such dog shall be held for a period of nine days (9) from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed by subdivision Nine D. (9D) of this section and by producing proof that the dog has been licensed.

G. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized subject to the provisions of subdivision two a (2a) of section three hundred seventy-four (374) of this chapter. Provided that no such dog shall be delivered for adoption unless it has been licensed pursuant to the provisions of this article prior to release from the custody of a pound or shelter. Any municipality may by local law or ordinance establish additional conditions for adoption including the requirement that adopted dogs shall be spayed or neutered before or after release from custody upon such terms and conditions as the municipality may establish.

H. Any other animal in the custody of a pound or shelter shall be made available for adoption or euthanized subject to the provisions of subdivision two-a (2a) of section three hundred seventy-four (374) of this chapter after the time for redemption has expired.

I. No liability in damages or otherwise shall be incurred on account of the seizure, euthanization or adoption of any dog pursuant to the provisions of this article.

#### #10. VIOLATIONS AND PENALTIES

Violation of more than one (1) provision of this ordinance shall constitute separate offenses punishable as follows:

A. Section 2: a fine of ten dollars (\$10.00) or imprisonment for five days (5).

B. Sections 3, 5, and 6:

1. First offense, a fine up to ten dollars (\$10.00) or five days (5) imprisonment.

2. Second offense, a fine up to twenty dollars (\$20.00) or fifteen days (15) imprisonment.

3. Third or subsequent offense, a fine up to twenty-five (\$25.00) dollars or twenty -five days imprisonment.

C. Section 4: a fine up to thirty dollars (\$30.00) or twenty-five days (25) imprisonment.

#11. REPEALER

Inconsistent provisions of any existing ordinance are hereby repealed.

#12. SEVERABILTY

If any provision of this ordinance is declared invalid all other provisions thereof shall remain valid and enforceable.

#13. EFFECTIVE DATE

This ordinance shall become effective ten (10) days after publication in the local town newspaper.

Alice M. Battles  
Town Clerk

Ordinance approved by Volney Town Board, may 10, 1984. Reference is recorded on page 150 og Town Clerk minutes.