

**Local Law Filing**

NEW YORK STATE DEPARTMENT OF STATE  
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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

~~Village~~

of NEWPORT

Local Law No. 1 of the year 2002

A local law DOG CONTROL  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of NEWPORT as follows:

SEE ATTACHED.

DOG CONTROL LAW

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## **DOG CONTROL**

**Section 1. Purpose and intent.**

**Section 2. Definitions.**

**Section 3. Regulations and restrictions.**

**Section 4. Enforcement.**

**Section 5. Complaints.**

**Section 6. Seizure of dogs.**

**Section 7. Penalties for offenses.**

### **Section 1. Purpose and intent.**

The purpose of this chapter shall be to promote the health, safety, morals and general welfare of the Town of Newport, including the protection and preservation of the property of the town and its inhabitants, by specifying, establishing and imposing certain restrictions, regulations and responsibilities relating to the control of dogs within the Town of Newport, as hereinafter defined.

### **Section 2. Definitions.**

As used in this chapter, the following words shall have the following respective meanings:

**AT LARGE** - Any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be "at large" if it is:

- A. A guide dog actually leading a blind person;

- B. A police work dog in use for police work; or
- C. Accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

DOG- Any member of the species canis familiaris regardless of age, both male and female, licensed and unlicensed.

OWNER - Includes any person who owns, keeps or 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.

### **Section 3. Regulations and restrictions.**

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

- A. Run at large unless accompanied by its owner or a responsible person able to control the animal. For the purposes of this chapter, a dog or dogs hunting in the company with a hunter or hunters shall be considered as accompanied by its owner.
- B. 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.
- C. 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.
- D. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put any person in reasonable apprehension of bodily harm or injury.

- E. Habitually chase or bark at motor vehicles.
- F. Be outside a building or fenced enclosure when in heat.
- G. Be kept, on or off the owner's premises, in areas occupied or used by said dog which are not maintained in a clean, sanitary and odor-free condition.

#### **Section 4. Enforcement.**

An animal control officer or other proper authority designated by the Town Board, as provided by § 114 of the Agriculture and Markets Law and other applicable laws and provisions, may enforce the provisions of this chapter and may also investigate and report to a Town Justice any dangerous dog as described in § 121 of the Agriculture and Markets Law and see that the order or orders of the Town Justice in such case are carried out.

#### **Section 5. Complaints.**

- A. Any person who observes a dog causing damage or destruction to property other than property of its owner or harbinger or committing a nuisance upon the premises of a person other than its owner or harbinger may file a signed information under oath with a Town Justice of the Town of Newport regarding the objectionable conduct of said dog. Said information shall contain the date of the alleged violation, a description of the damage caused or other violation, a description of the dog and the name and address, if known, of the owner or harbinger of said dog.
- B. Upon receipt by a Town Justice of any signed information against the conduct of any particular dog, the Court shall summon the alleged owner or person harboring such dog to appear in person before the Court.

- C. The designated animal or dog control officer may also issue appearance tickets in connection with a signed information or complaint.
- D. If the summons or appearance ticket is disregarded, the Court may then issue a warrant of arrest of such person owning or harboring such dog.

### **Section 6. Seizure of dogs.**

The seizure and redemption of dogs in violation of this chapter shall be as provided in § 118 of the Agriculture and Markets Law of the State of New York.

- A. The owner of a seized dog shall reimburse the Town of Newport for the cost of sheltering said dog at the rate contained in the annual contract between the Town of Newport and the animal shelter.
- B. The owner of any seized dog shall be required to pay the fees as set forth in Subsection A of this section whether or not such owner chooses to redeem his or her dog.
- C. The owner of any dog not redeemed shall forfeit all title to the dog, and the dog shall be sold or destroyed pursuant to the provisions of § 118 of the Agriculture and Markets Law.

### **Section 7. Penalties for offenses.**

A violation of this chapter shall be deemed an offense against such chapter, and any person convicted hereunder shall be fined an amount not less than fifty dollars (\$50.) and not more than one hundred dollars (\$100.); provided, however, that if the person committing such offense shall have committed an offense in violation of this chapter within the preceding five (5) years, the fine shall be not less than one hundred dollars (\$100.) and not more than one hundred fifty dollars (\$150.); and if such person shall have committed two (2) or more offenses within the preceding five (5) years, the fine shall not be less than one hundred fifty dollars

(\$150.) and not more than two hundred fifty dollars (\$250.); or, in the alternative, said person shall be incarcerated for a period not to exceed fifteen (15) days for each and every violation.