

**DOG LICENSING AND DOG CONTROL
LOCAL LAW FOR THE
TOWN OF NEWPORT**

LOCAL LAW 1-2010

BE IT RESOLVED AND ORDAINED by the Town Board of the Town of Newport, County of Herkimer, State of New York:

ARTICLE I, CONTROL OF DOGS

SECTION 1: PURPOSE AND INTENT

This local law 1 for 2010 repeals the existing Town of Newport Dog ordinance, repeal effective January 1, 2011. The substantive provisions of local law No. 1 for 2010 become effective January 1 2011 and replaces that old ordinance.

1. The purpose of this law shall be to promote the health, safety, morals and general welfare of the Town of Newport, including the protection and preservation of property of the Town of Newport and its inhabitants and of the peace of good order by adopting and enforcing certain regulations and restrictions on the privileges of the owners of dogs and the rights and privileges of the Town of Newport and by imposing restrictions upon the keeping and running at large of dogs within the Town of Newport.
2. This law is adopted pursuant to the authority of §124 of the NYS Agricultural and Markets Law.
3. The controlling of dogs within the Town of Newport is hereby recognized as a vital public health and safety obligation of the Town of Newport. This law shall primarily be enforced by the duly appointed Dog Control Officer of the Town of Newport with the full assistance and cooperation of police agencies.

SECTION 2: DEFINITIONS

As used and intended in this section and for the purpose hereof, unless the context otherwise indicated, the following terms shall have the meanings indicated:

ABANDONED DOG – Any dog left unattended for a period of three or more days will be deemed to be abandoned by its owners/caretakers; or any unattended dog found, at any time, under circumstances which evidence intent by the dog's owner/caretaker to not return.

AT LARGE – As applied to a dog, shall designate and describe each dog at all times when it is off the premises of the owner or is on the premises of another without his or her consent.

COMMISSIONER – The Newport Town Supervisor, or any agent designated by him or her for the purpose of enforcing this law.

CONFINED – As applied to a dog, shall mean that such animal is securely confined, restrained and kept in a humane manner on the owner's premises either within a building, kennel or wire or other suitable enclosure or securely fastened on a chain, wire or other tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street, way or

place or, if the dog is being transported by the owners, that it is securely confined in a crate or other container, or so constrained in a vehicle that it cannot escape therefrom.

CONFINEMENT/ISOLATION – As applied to a dog, the result if any dog has bitten or is suspected of having bitten any person.

DANGEROUS DOG/VICIOUS DOG – Designates or applies to any dog which, without just cause, bites, attacks or chases or snaps at or otherwise threatens to attack any person or attacks or wounds a dog or other domestic animal, or which displays any other fierce, vicious or dangerous propensity, or any dog found by a court of competent jurisdiction to be a vicious dog; vicious dog or dogs defined as:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of human beings or domestic animals.
2. The propensity to be vicious

DOG – Any member, male or female, of the species Canis Familiaris.

GUARD DOG – Any dog which has been trained to attack persons independently or upon oral command and is utilized for the purpose of protecting and guarding its owner and/or the property within which such dog is located.

DOG CONTROL OFFICER, (DCO) – Includes any DCO appointed and under contract with the municipality to be served and police officers within the municipality, acting pursuant to special duties to assist in the enforcement of this local law.

DOMESTIC ANIMAL – Includes dogs and all other household animals.

LEASH/RESTRAINED BY LEASH – A chain, rope, leather strap or cord or sufficient tether that will humanely bind the dog directly to the owner or keeper and prevent such dog from moving free of the owner's or keeper's immediate control.

LICENSING AUTHORITY – The Town Clerk for the Town of Newport.

MENACING – The display by a dog of a disposition, determination, or intent to attack or inflict injury or harm to a human being or other domestic animal.

OWNER – Any person who harbors or keeps any dog. If the owner is under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

PHYSICAL INJURY – Impairment of physical condition of substantial pain.

PREMISES/DWELLING – As defined by the Town of Newport Zoning Ordinance.

PUBLIC NUISANCE – As applied to a dog, shall describe, designate or apply to:

- A. Every dog which seriously or habitually disturbs the neighbors by barking or howling, or making any other disturbing noises; or
- B. Every dog which chases any person or bicycle, automobile or other vehicle upon any public highway or way, or in any public place; or
- C. Every dog which causes damage or destruction to property other than upon the premises of the owner, or the person harboring such dog; or
- D. Every dog which strews or disperses garbage or refuse which is lawfully set out for collection; or
- E. Every dog which is a dangerous dog pursuant to §121 of the Agriculture and Markets Law but not found vicious as defines in this section.

RECREATIONAL AREAS – Any real property, within the Town of Newport, which is used for recreational purposes by the public, including but not limited to, parks, playgrounds, tennis courts, ball fields and swimming pool facilities.

SCHOOL PREMISES – Designates and applies to any real property situated within the Town of Newport which is used for educational purposes or purposes incidental thereto.

SERIOUS PHYSICAL INJURY – Physical injury which creates a substantial risk of death, or which causes death or serious protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

SIDEWALK – Any walkway along the margin of a street or highway, designed and prepared for the use of pedestrians, encompassing the area between the front line of any abutting property and the curb or, where there is no curb, the line where the street begins.

STERILIZATION – Rendering a dog that is at least eight weeks of age unable to reproduce by surgically altering the dog's reproductive organs. Such definition shall include the spaying of a female dog and the neutering of a male dog.

TENANT – Any person/organization or corporation who or which makes payment, in cash or in kind, to occupy another's property and, for purposes of this law, is the owner of a dog(s).

UNPROVOKED – That the dog was not hit, kicked or struck by a person with any object or part of a person's body nor was any part of the dog's body pulled, pinched or squeezed by a person.

SECTION 3: OWNER'S RESPONSIBILITY

The owner of every dog which is at any time kept, brought or comes into the Town shall be held responsible for the strict observance by such dog and with respect to such dog of all the rules and regulations contained in this law at all times when such animal is within the Town.

SECTION 4: LEASH REQUIRED/CONTROL OF DOGS

No person who owns a dog shall permit such a dog to be at large in the Town of Newport, Herkimer County, New York, unless such a dog is humanely restrained by an adequate collar and leash, other than when on the premises of the person owning, keeping or harboring or having custody or control of such dog or upon the premises of another with the knowledge and approval of the owners of said premises. Provided, however, that vicious dogs shall be leashed or confined at all times regardless of the consent of any person.

SECTION 5: DOGS ON SCHOOL PREMISES OR RECREATIONAL AREAS

1. Any dog at large which does not display any current license or other means of identification or which fails to exhibit any evidence of having had administered to it a current rabies vaccination shall be considered an abandoned dog and may be summarily impounded by a law enforcement agent.
2. It shall be unlawful and a violation of this law for any tenant/landlord of any property located within the Town of Newport to abandon any dog on any property located within the Town of Newport.
3. Owners of property(ies) from which Town of Newport law enforcement agents (Section 2) are tasked with removing abandoned dogs pursuant to this law shall be issued a court appearance ticket and, if found guilty of this offense, shall be fined the mandatory \$250 (two-hundred fifty dollars) per dog. Nothing herein shall be construed to limit or impair, in any way, the property owner's rights to collect any monetary sum imposed, from the dog's respective owner(s).
4. Any actions taken by the appropriate law enforcement agents reasonably necessary to effectuate their duties in the removal and placement of abandoned dogs shall not give rise to any civil action against them, other than for wanton, outrageous, intentional, tortuous acts.

It shall be unlawful for any dog to be at large on any school premises or any recreational area or the sidewalks adjacent thereto unless said dog is on a leash.

SECTION 6: GUARD DOGS/WARNING SIGNS

Any person keeping a guard dog as defined in Section 2 shall conspicuously post a sign with an appropriate symbol which the public and children that the premises are patrolled by a guard dog or dogs.

SECTION 7: ABANDONED DOGS

1. Any dog at large which does not display any current license or other means of identification or which fails to exhibit any evidence of having had administered to it a current rabies vaccination shall be considered an abandoned dog and may be summarily impounded by a law enforcement agent (Section 2).
2. It shall be unlawful and a violation of this law for any tenant/landlord of any property located within the Town of Herkimer to abandon any dog on any property located within the Town of Herkimer,
3. Owners of property or properties from which the Town of Newport law enforcement agents (Section 2) are tasked with removing abandoned dogs pursuant to this law shall be issued a court appearance ticket and, if found guilty of this offense, shall be fined the mandatory sum of \$250 (two-hundred fifty dollars) per dog. Nothing herein shall be construed to limit or impair, in any way, the property owner's right to collect any monetary sum imposed from the dog's respective owner or owners.
4. Any actions taken by the appropriate law enforcement agents reasonably necessary to effectuate their duties in the removal and placement of abandoned dogs shall not give rise to any civil action against them, other than for wanton, outrageous, intentional and tortuous acts.

Section 8: REGULATIONS PERTAINING TO VICIOUS DOGS

1. No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go unconfined on the premises of such person. A vicious dog is "unconfined" as the term is used in this law if such a dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of said person. Such pen or dog run area must, as a minimum, have either sides six (6) feet high or a secured top. If the pen, fence or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one (1) foot. The structure must be constructed of chain-linked fencing or other material of such strength and construction that the dog cannot chew through or break out of the enclosure. Any gates or entrances to the structure must be of similar construction and the entire structure must be so designed so that the dog cannot get out. The area of enclosure shall be no less than two-hundred twenty-five (225) square feet per dog, with no less than fifteen (15) feet per side.
2. No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of three-hundred (300) pounds and not exceeding three (3) feet in length.
3. No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.
4. No person shall possess with intent to sell, offer for sale, breed, buy or attempt to buy a vicious dog within the Town of Herkimer.
5. Any person owning, possessing or harboring a vicious dog shall, at all times, exercise due care in safeguarding the public from attack by such an animal.
6. If any vicious dog shall cause injury to a person or domestic animal or damage to property while out of or within the control of the owner of such vicious dog, or while off the property of the owner whether or not such vicious dog was on a leash and securely muzzled, or whether the vicious dog escaped without the fault of the owner, the owner shall be liable to the person it grieved thereby for all damages sustained, to be recovered in a civil action. It shall be presumed

as a matter of law that the owning, keeping or harboring of such vicious dog in violation of the law is a nuisance.

7. Excused behavior – No dog shall be declared vicious pursuant to this law if the owner shall prove that the threat, injury or damage caused by such dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, its owner and/or household members, or has in the past been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime; nor shall a dog be declared vicious if the dog was responding solely to pain or injury, or was protecting itself while on its owner's property.
8. Penalties –
 - a. Whoever violates this Section 8 " Regulations Pertaining to Vicious Dogs", shall be guilty of a misdemeanor and subject to a fine of up to \$1,000 or imprisonment for up to 120 days, or both.
 - b. Any person found guilty of violating this law shall pay all expenses, including but not limited to, medical expenses and lost wages of victims of said vicious dogs and any shelter, food and veterinary expenses necessitated by the seizure of any dog pursuant to this law and such other expenses as may be required for the destruction of the dog.
 - c. The provisions of this law shall not supersede, but rather be supplementary to, the provisions of law contained in Article VII of the New York State Agriculture and Markets Law, and any other applicable, ordinance, rule or regulation.
 - d. Any person aggrieved by a decision of the hearing officer may appeal said decision through Article 78.

SECTION 9: BARKING DOGS

No person shall keep or harbor a dog which by loud, frequent or habitual barking, yelping or howling shall disturb or annoy any person other than the owner thereof.

SECTION 10: ENFORCEMENT

1. The provisions of this law shall be enforced by an appropriate law enforcement agent.
2. Any enforcement agency may serve any process related to any proceeding, whether criminal or civil in nature, and including an appearance ticket undertaken in accord with Article 7 of the Agriculture and Markets Law and this law.
3. Enforcement agents may seize, in accordance with law, any dog found to be in violation.
4. Where the seizure of a dog found in violation of this law is not necessary to protect the safety and well-being of persons or property, the enforcement agent may issue an appearance ticket to the owner of said dog pursuant to this Local Law and the applicable provisions of the Agriculture and Markets Law.

SECTION 11: REDEMPTION OF SEIZED DOG

1. Every dog seized shall be properly fed and cared for until disposition thereof as herein provided and in accordance with the applicable provisions of the NYS Agriculture and Markets Law.
2. Every dog seized shall receive a DHLPP-Parvo and rabies vaccine upon its confinement in the animal shelter.
3. Every dog seized shall be treated in a humane manner.
4. If the dog seized bears a license tag, or is otherwise identifiable, the Town DCOs shall ascertain the owner of the dog and shall, within 24 hours, notify the owner or an adult member of his or her family, either by personal service or by certified mail, return receipt requested, that the dog

has been seized and will be sold or destroyed pursuant to §118 of the NYS Agriculture and Markets Law unless redeemed as herein provided.

5. The owner of an unlicensed dog so seized may redeem the dog within three (3) days. The owner of a dog bearing a license tag may redeem the dog within seven (7) days. To redeem a dog, the owner must furnish proof that the dog has been licensed pursuant to the NYS Agriculture and Markets law and must pay impoundment fees as well as any veterinary expenses necessitated by the seizure or incurred in the course of humanely caring for the dog in accordance with law.
6. All monies shall be paid directly to the dog shelter housing the seized dog; the redeemed portion, as determined by the NYS Agriculture and Markets Law, to be paid to the Town of Herkimer or shall be applied to the monthly bill, that as stated in the contract between the Town and the shelter, must be presented to the Town by the Humane Society.

SECTION 12: APPEARANCE TICKETS; FINES FOR VIOLATION

1. Issuance – Pursuant to the provisions of §124(2)(c) of the NYS Agriculture and Markets Law, an appearance ticket may be issued for any violation of this law, by a proper law enforcement agent.
2. Plea of guilty – A person charged with a violation of any provision of this law may appear in Newport Town Court to enter a plea to said charge. Alternately, he or she may submit to Town court, in person or by duly authorized agent or by registered mail, a statement:
 - a. That he or she waives arraignment in open court and the aid of counsel; and
 - b. That he or she pleads guilty to the offense charged; and
 - c. That he or she elects and requests that the charge be disposed of and the fine or penalty be fixed by the Town Court; and
 - d. Of any explanation that he or she desires to make concerning the offense charged; and
 - e. That all statements are made under penalty of perjury.
3. Disposition of guilty pleas – Persons pleading guilty by mail shall not send payment for any fine or penalty until the judge ascertains the amount of such fine. Thereupon, the judge may proceed as though the defendant had been convicted upon plea of guilty in open court. If upon receipt of the aforesaid statement the judge shall deny the same, he or she shall thereupon notify the defendant of this fact, and that he or she is required to appear before the judge at a stated time and place to answer the charge, which shall thereafter be disposed of pursuant to the applicable provisions of law.
4. Plea of not guilty – If a person charged with a violation denies any part of all of the violation as charged in the appearance ticket, he or she may so indicate on the ticket and return it to the Town court, together with security in the amount of \$20 (twenty dollars).
5. Fines:
 - a. Except for violations of Section 3, entitled “Leash Required/Control of Dogs,” and Section 7, entitled “Regulations Pertaining to Vicious Dogs,” any violation of this law shall be punishable as determined in accordance with the below schedule:
 - (1) For the first offense: a fine not to exceed \$25 (twenty-five dollars).
 - (2) For the second offense within the preceding five (5) years: a fine not to exceed \$50 (fifty dollars).
 - (3) For a third offense within the preceding five (5) years: a fine not to exceed \$100 (one-hundred dollars) or imprisonment for not more than 15 days, or both.
 - b. Violations of Section 3, regarding leash requirement, shall be punishable as determined by the court with the below schedule:
 - (1) For the first offense: a fine of not less than \$25 (twenty-five dollars), but no more than \$100 (one-hundred dollars).

- (2) For the second offense within the prior five (5) years: a fine of not less than \$100 (one-hundred dollars) but no more than \$200 (two-hundred dollars) and 20 (twenty) hours of community service dedicated to humane animal treatment.
- (3) For the third offense within the prior five (5) years: a fine of not less than \$200 (two-hundred dollars), but no more than \$500 (five-hundred dollars) and 40 hours of community service dedicated to humane animal treatment.

SECTION 13: PROCEEDINGS TO DETERMINE NUISANCE OR DANGEROUS DOGS

1. Any person may make a written complaint under oath or affirmation to a Judge of Newport Town Court alleging that a specified dog is a public nuisance or dangerous.
2. Upon receiving such a complaint, the Judge shall immediately determine if there is probable cause to believe the dog is a dangerous dog, and if so, shall issue an order to any enforcement officer directing said officer to seize such dog and hold the same pending a hearing on the complaint.
3. Whether or not the Judge finds there is probable cause for such seizure, he or she shall, within five (5) days and upon written notice of not less than two days to the owner of the dog, hold a hearing on the complaint.
4. If the Town Judge finds that the complaint is duly established, he or she shall determine and declare such dog to be:
 - (a) A public nuisance;
 - (b) Dangerous; or
 - (c) Dangerous or vicious.
5. Dogs found to be either dangerous or a public nuisance shall either be humanely destroyed pursuant to law or ordered confined upon such conditions as are established by the court.
6. Dogs which are found to be vicious shall be governed by Section 7 of this law.

SECTION 14: HUMANE TREATMENT OF DOGS

It shall be unlawful for any person in the Town of Newport to torture or torment, deprive of necessary sustenance, unnecessarily or cruelly beat or otherwise abuse or needlessly mutilate or kill a dog. This provision may be enforced by any person filing a written complaint with the appropriate law enforcement agent. The owner thereof shall be notified in writing via appearance ticket, by personal service or by certified mail, return receipt requested, of the alleged violations; and the matter shall be referred to Town court for a hearing and determination.

SECTION 15: COMPENSATION FOR DOGS DESTROYED

The owner, harbinger or possessor of any dog destroyed under any provision of this law shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of the dog.

SECTION 16: SEEING-EYE DOGS

This law shall not apply to any seeing-eye dog during such times that such dog is performing the function for which it is trained. Said dog may be determined, however, to be dangerous or vicious if the behavior of said dog is within the standards set forth in Section 7.

SECTION 17: VETERINARY FEES

In addition to the payment of the impoundment fee specified above in Section 10, any person redeeming an impounded dog shall be liable for the payment of all veterinary expenses necessitated by the seizure and subsequent impoundment of such dog. Proof of payment of such expenses shall be required by the Town Clerk prior to the release of such dog.

SECTION 18: RECORDS TO BE MAINTAINED

In accordance with the regulations of the NYS Department of Agriculture and markets, the Dog Control Officer shall maintain records of all seizures, impoundments, euthanizations and violations of this law in the office of the Town Clerk.

ARTICLE II, LICENSING OF DOGS

SECTION 19: LICENSE REQUIRED

The owner of any dog located within the Town of Newport including the Village of Newport, shall be required to make application to the Newport Town Clerk for a dog license in accordance with the requirements of the NYS Agriculture and Markets Law.

SECTION 20: LICENSING FEES

Pursuant to Municipal Home Rule Law, §10 , by adoption of this local law, the Town of Newport, County of Herkimer, hereby authorizes the town board of the Town of Newport, Herkimer County, to establish, by resolution, a schedule of dog license fees, enumeration fees, violation fine fees and penalty fees. The Town Board of the Town of Newport, County of Herkimer, may exercise this authority as needed throughout the year.

1. Required fees shall be paid to the Newport Town Clerk in the month that the dog is required to be licensed or, in the case of an older dog, the month in which the dog is obtained by the owner.
2. The fee for licensing said dogs shall be as follows: (pd = per dog)

	<u>State Fee Altered</u>	<u>State Fee Unaltered</u>	<u>Town Fee</u>	<u>TOTAL</u>
(a) Unneutered male		\$3.00 pd/each month	\$ 12.00 Pd	\$ 15.00
(b) Unspayed female		\$3.00 pd/each month	\$ 12.00 Pd	\$ 15.00
(c) Neutered male	\$1.00 pd/each month		\$ 6.00 Pd	\$ 7.00
(d) Spayed female	\$1.00 pd/each month		\$ 6.00 Pd	\$ 7.00

SECTION 21: PROOF OF VACCINATION AND STERILIZATION

Proof of neutering or spaying, if dog has been altered, plus mandatory rabies vaccination certificates for each dog must be presented at the time of licensing or renewal.

SECTION 22: DOG ENUMERATION

When the Newport Town Board determines the need for a dog enumeration, a fee of \$5.00 (five dollars), as provided for by §114-4(a) of the NYS Ag & Markets Law, will be assessed to all dogs found unlicensed or delinquent at the time the reenumeration is conducted.

SECTION 23: VIOLATIONS; PENALTIES FOR OFFENSES

Failure to comply with the provisions of this law is a violation and punishable by a fine of \$25 (twenty-five dollars), except that where the person was found to have violated this law within the preceding five (5) years, the fine will be \$50 (fifty dollars) and where the person was found to have committed two (2)

or more such violations within the preceding five (5) years, it shall be punishable by a fine of \$100 (one-hundred dollars) or imprisonment for not more than fifteen (15) days, or both.

ARTICLE III, SEIZURE OF UNLICENSED DOGS

SECTION 24: AUTHORITY; NOTIFICATION OF SEIZURE REQUIRED

1. The Town of Newport Dog Control Officer or Police agency officers are hereby authorized, pursuant to New York State Agriculture and Markets Law § 118, to 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 and/or identified whether on or the owner's premises, except that the Town's DCO may not enter the owner's dwelling.
2. The Dog Control Officer or any Police Officer must attempt to notify the owner that the dog is being seized. If personal notification cannot be accomplished, the law enforcement agent will leave a written notice of the seizure at the owner's dwelling.

SECTION 25: IDENTIFIED AND UNIDENTIFIED DOG DEFINED

"Identified dog" shall mean any dog carrying an identification tag as provided in Article II, Licensing of Dogs, of this law. Any licensed dog not wearing an identification tag, as provided in Article II of this law, shall be deemed an unidentified dog.

SECTION 26: REDEMPTION

Each dog which is not identified, whether or not licenses, may be redeemed by its owner, provided that such owner produces the following proof:

1. That the dog has been licensed;
2. Proof of rabies vaccination; and
3. A spay/neuter certificate where applicable.

SECTION 27: FEES

The owner of each dog will be required to pay fees as set from time to time by the Newport Town Board before redeeming the dog.

ARTICLE IV, QUARANTINE OF DOGS

SECTION 28: CONFINEMENT

If any dog has bitten any person or is suspected of having bitten any person, the Dog Control Officer and/or any Police Officer shall cause such dog to be confined or isolated for a period of time not to exceed ten (10) days.

SECTION 29: RABID DOGS

If a dog, for any reason, is suspected of being infected with rabies, the Dog Control Officer and/or any Police Officer shall cause such dog to be confined or isolated for a period of time not to exceed ten (10) days.

SECTION 30: DETERMINATION OF OWNERSHIP

"Owner" shall be defined as any person who harbors or keeps any dog. If the owner is under eighteen (18) years of age, the owner of record shall be deemed to be the parent or guardian of such person.

SECTION 31: QUARANTINE AREAS AND CONDITIONS

Confinement of the animal may be accomplished as an animal shelter, a private veterinary hospital, or at the owner's dwelling. The place of confinement and the conditions of such confinement shall be determined by the Dog Control Officer and/or any Police Officer. The owner of the dog shall be liable for any charges incurred in relation to the confinement.

SECTION 32: INSPECTION OF PLACE OF CONFINEMENT

The Town of Newport, or the owner of the dog, may request a review of the conditions and place of the confinement. The Town Clerk, or department head currently in charge of dog control and licensing, will review the confinement and render a decision. This decision will be final.

SECTION 33: PENALTIES FOR OFFENSES

If an owner of a dog does not confine the dog pursuant to the instructions of the Dog Control Officer and/or any Police Officer, the owner shall be guilty of a Class B misdemeanor and subject to a fine not to exceed \$2,000 (_____) and/or six (6) (_____) months in jail, and the dog shall be immediately seized by the Dog Control Officer and/or any Police Officer.