

Chapter 52

ANIMALS

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[HISTORY: Adopted by the Town Board of the Town of Conesus as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Dog License Fees

[Adopted 8-20-1979 by L.L. No. 2-1979]

§ 52-1. Fees enumerated.

Commencing on November 19, 2002, the license fees for dogs shall be as stated in the Town of Conesus Schedule of Fees. (The statutory fees are \$7.50 and \$15.50, respectively).

ARTICLE II Dog Control

[Adopted 9-5-2000 by L.L. No. 1-2000]

§ 52-2. Purpose.

The Town of Conesus in the County of Livingston, State of New York, finds that the running at large and other uncontrolled behavior of dogs has caused annoyance to persons, damage to property and created nuisances within the Town. The purpose of this article is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping of dogs and the seizure thereof within the Town.

§ 52-3. Statutory authority.

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

§ 52-4. Title.

The title of this article shall be "Dog Control Ordinance of the Town of Conesus."

§ 52-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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. Accompanied by and under the immediate supervision and control of the owner or other responsible person;
- B. A police work dog in use for police work;
- C. Accompanied by its owner or other responsible person and is actively engaged in hunting on unposted land or on posted land with the permission of the owner of the land;
- D. Is actively engaged as a livestock protection dog or a herd dog and is in the company of its designated livestock on lands owned or leased by the owner of the dog.

DOG — Includes any dog of either sex and of any age unless otherwise indicated herein.

HARBOR — To provide food or shelter to any dog.

OWNER — Any person who harbors or keeps any dog. In the event any dog found in violation of this article shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of household in which said person resides).

§ 52-6. Prohibited behavior by dogs.

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Conesus, to:

- A. Be at large.
- B. Cause damage or destruction to property or commit a nuisance upon the premises of any person.
- C. Habitually chase motor vehicles, bicycles, horseback riders, pedestrians or persons moving by human- or animal-powered devices, such as skateboards, roller blades, carriages, sleds, wagons, or skis.
- D. Kill or injure any person or domestic animal.
- E. Engaging in loud howling or habitual barking or conducting itself in such a manner as to disturb the peace.

§ 52-7. Enforcement.

This article shall be enforced by any dog control officer or law enforcement officer.

§ 52-8. Seizure, impoundment, redemption and adoption.

- A. Any dog found in violation of the provisions of § 52-6 of this article may be seized pursuant to the provisions of § 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 § 118 of the Agriculture and Markets Law.
- C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to Article 7 of the Agriculture and Markets Law and by paying the redemption fees set forth as follows:
 - (1) First offense: \$10 and impoundment fee, plus \$10 per day (boarding fee).
 - (2) Second offense: \$25 and impoundment fee, plus \$10 per day (boarding fee).
 - (3) Third offense: \$50 and impoundment fee, plus \$10 per day (boarding fee).
- D. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of § 118 of the Agriculture and Markets Law.

§ 52-9. Appearance ticket.

Any dog control officer or law enforcement officer in the employ or under contract to the Town of Conesus shall issue an appearance ticket for violation of this article.

§ 52-10. Penalties for offenses. ¹

Any person convicted of a violation of this article shall be deemed to have committed a violation and shall be subject to a fine not exceeding \$500 or imprisonment for a period not exceeding 15 days.

§ 52-11. Disposition of dogs voluntarily surrendered to Town shelter.

- A. In the event an owner wishes to surrender an unwanted dog to the Town shelter, such person must execute a consent form prescribed by the Town, allowing the Dog Control Officer to dispose of the dog immediately by either adoption or euthanasia at the discretion of the officer and absolve the Town, forever, of liability in connection with said dog.
- B. The owner of any dog surrendered to the Town must pay a fee in the amount of \$50.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. This service may be discontinued at any time, by order of the Dog Control Officer, if overcrowding or any other condition at the shelter would create a situation whereby dogs could not be properly sheltered and cared for.