

DOG CONTROL LOCAL LAW

CHAPTER 52

TOWN OF GORHAM

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(History: Adopted by the Town Board of the Town of Gorham, Local Law #3-91; adopted April 17, 1991.)

52.100 TITLE

This ordinance shall be known and may be cited as the Dog Control Law of the Town of Gorham.

52.200 PURPOSE

The purpose of this Local Law shall be to preserve the public peace and good order in the Town of Gorham and to contribute to the public welfare, safety and good order of its people enforcing certain restrictions on the activities of dogs, consistent with the rights and privileges of the owners of dogs and of the other citizens of the Town of Gorham.

52.300 DEFINITIONS

A. At Large: Any dog shall be deemed to be at large if not accompanied by a person who:

1. Is in full control of the dog, or
2. Is providing restraint of the dog by secure leash or lead, or
3. Has confined the dog to an enclosure, such as a cage or motor vehicle, in such a manner that the dog may not roam freely upon public or private lands elsewhere than on the premises of the owner or on the premises of another responsible person who has knowledge of the dog's presence and who assents thereto.

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B. Dog: Any member of the species canis familiaris..

C. Owner: Any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors under eighteen years of age shall be deemed to be in the custody and control of parents or other heads of the households where the minors reside. Any person harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this ordinance shall be deemed to be the owner of the dog for the purposes of this law.

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RESTRICTIONS

A. No person shall permit a dog to be at large within the limits of the Town of Gorham.

B. No dog shall be at large within the limits of the Town of Gorham.

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ENFORCEMENT

A. Enforcement officer: The provisions of this law may be enforced by any person, municipality, or organization for the prevention of cruelty to animals, appointed by law by or pursuant to contract with the Town of Gorham.

B. Appearance tickets and process: Any person or entity authorized to enforce this law may issue appearance tickets therefore, pursuant to the Criminal Procedure Law, may issue said tickets for any violation of Article 7 of the Agriculture and Markets Law of the State of New York, and is hereby authorized to serve any process relation to any proceeding, whether civil or criminal in nature, in accordance with the provisions of this law. In the event an appearance ticket is unanswered, the Town Justice shall permit the filling of an information from the appropriate enforcement person and issue a warrant of arrest for the alleged violator.

C. Seizure: Any dog found to be at large in the Town of Gorham shall be seized, and properly fed and cared for, until redeemed or disposed of in accordance with the provisions of the Agriculture and Markets Law. Each such dog shall be held for a period of five to nine days, in accordance with the provisions of a valid license, and upon payment of the impoundment fees established by the aforesaid section, an owner may redeem such dog. In the event a dog is not redeemed within the statutory time period, an owner forfeits title to said dog, which shall then be made available for adoption or euthanized in accordance with the law. The seizure of any dog shall not relieve any person of prosecution for violation of this ordinance.

D. Commencement of Proceedings: Any person found to have permitted any dog to be at large in the Town of Gorham shall be issued an appearance ticket for violation of this law, and shall be prosecuted in the manner herein provided.

E. Prosecution of Violations: Pursuant to the Penal Law of the State of New York, a violation of this law shall be punishable by a fine of not more than twenty-five dollars, except that:

1. Where the person was found to have violated this law or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may be not more than fifty dollars, and

2. Where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than fifteen days, or both.

52.600 SEVERABILITY

If any part to this law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this law.

52.700 EFFECTIVE DATE

This law shall take effect thirty days after the adoption thereof , whichever last occurs