

CHAPTER 25

DOGS

[Amended on 7-6-95 as L.L. #17 (Intro No. 19) 1995]

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[HISTORY: Adopted by the Common Council of the City of Dunkirk 3-4-1969 as Chapter XXVIII of the Ordinances of the City of Dunkirk. Amendments noted where applicable.]

§ 25-1. Purpose and intent.

The purpose and intent of this chapter shall be to preserve the public peace and good order in this City and to promote the general welfare and the preservation and protection of the property and the person of residents of this City by the enforcement of regulations and restrictions on activities of dogs within the municipality.

§ 25-2. Definitions.

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

ANIMAL CONTROL OFFICER - A person appointed by the Common Council of the City of Dunkirk for the purpose of enforcing this chapter.

For purposes of this chapter, an “Animal Control Officer” shall be deemed a peace officer.

AT LARGE - An unleashed dog off the premises of the owner, except as otherwise specifically provided by this chapter.

CITY - The City of Dunkirk, New York.

DOG - Both male and female of the species.

LEASH - The dog is equipped with a collar or harness to which is attached a “leash” not to exceed six (6) feet in length, constructed of materials of sufficient strength to restrain the dog, and which “leash” shall be held by a person able to control and restrain the dog.

OWNER - Includes any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors under the age of eighteen (18) years shall be deemed to be in the custody and control of the minor’s parents or head of the household where such minor resides.

§ 25-3. Regulations and restrictions upon dogs.

All dogs and dog owners within the City shall be subject to the following regulations and restrictions:

- A. No person owning or having the care and custody of a dog shall permit such dog to be at large within the City elsewhere than on the premises of the owner, except on the premises of another person with the knowledge and consent of such other person.
- B. The owner or person having the custody and control of a dog in the City which is not on the premises of the owner or upon the premises of another person with the knowledge and consent of such person shall control and restrain such dog by a leash.
- C. The fact that a dog is at large within the City elsewhere than on the premises of the owner or the premises of another person consenting thereto shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner.
- D. A premise shall not contain more than three (3) adult dogs regularly residing upon the premises.

§ 25-4. Damage, nuisance and disturbance by dogs prohibited.

The owner of a dog shall not permit such dog, leashed or unleashed, to do any of the following acts:

- A. Damage or deface property not belonging to the owner.
- B. Deposit waste or commit a nuisance on the property of a person other than that of the owner.
- C. Howl or bark as to disturb or annoy any person or persons.

§ 25-5. Seizure of dogs at large.

- A. Any dog found at large within the City may be seized and confined by any duly appointing Animal Control Officer, peace officer or duly authorized officer or representative of the City. Any dog which, when found at large, cannot, in the opinion of the Animal Control Officer, peace officer or duly authorized representative of the City, be safely seized may be destroyed.
- B. Any dog seized pursuant to the provisions of this chapter shall be fed, cared for and disposed of in accordance with the provisions of § 118 of the New York State Agriculture and Markets Law. **[Amended 7-2-1979]**

§ 25-6. Penalties for offenses. [Amended 7-2-1979; Amended 12-7-2010 as L.L. #3-2010]

Any person violating the provisions of this chapter shall be subject to a fine and/or imprisonment as set forth in § 119 of Article 7 of the New York State Agriculture and Markets Law.

- A. Any person, firm or corporation violating any provision of § 25-2 of this Chapter, shall be guilty of a violation and shall be subject to penalties as set forth hereafter.
- B. Any person, firm or corporation taking part in or assisting in any violation of § 25-2 of this Chapter, shall also be subject to the penalties herein.
- C. Each day that a violation of this Chapter is committed or is permitted to exist, shall constitute a separate offense.
- D. Penalties shall be as follows:
 - 1. For the first violation by any person, owner or harborer within a three year period, such person, owner or harborer shall be

subject to a fine of not less than \$35.00 and not more than \$100.00

2. For a second violation by any person, owner or harborer within a three year period, such owner or harborer shall be subject to a fine of not less than \$60.00 and not more than \$150.00
3. For a third violation by any person, owner or harborer within a three year period, such person, owner or harborer shall be subject to a fine of not less than \$100.00 and not more than \$200.00 and/or imprisonment for a period not exceeding fifteen (15) days.

Any person taking part or assisting in any violation of this article shall also be subject to the penalties herein.

- E. If a dog seized under the provisions of Section 25 is not redeemed within the redemption time periods provided by the New York State Agriculture and Markets Law, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA. Anyone that picks up an at-large dog in the City of Dunkirk, must notify the Dog Control Officer or the Dunkirk Police Department, and surrender the dog upon request, before removing the dog from the City, subject to fine. There will be a fee of Seventeen Dollars (\$17.00) per day boarding fee, payable by the owner of the seized dog.

§ 25-7. Severability.

In the event that any portion of this chapter shall be declared invalid, the remainder thereof shall not be affected thereby and shall remain in full force and effect.

§ 25-8. Effective date.

This chapter shall take effect upon filing with the New York State Secretary of State.

§ 25-9. Incorporation of state law. [Added 7-2-1979]

Article 7 of the New York State Agriculture and Markets Law, as amended June 5, 1978, and all subsequent amendments thereto are hereby incorporated into the Dunkirk City Code and made a part thereof.

§ 25-10. Licensing of Dogs: [Added 12-7-2010 as L.L. #3-2010]

- A. All dogs in the City of Dunkirk must be licensed with the City Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- B. All dog licenses for unspayed or unneutered dogs will be paid for a period of one year and will expire at the end of the month one year from the date of issue. Dog licenses for spayed or neutered dogs may be purchased for a one year, two year or three year period and will expire at the end of the month one year, two years or three years from the date of issuance as the case may be. Dog licenses are not transferrable.
- C. All new dog licenses must be purchased in person at the City Clerk's Office with proof of current rabies shot. All renewal of dog licenses may be purchased by visiting the City Clerk's Office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees for a one year license.
- D. All fees will be used in funding the administration of the Dogs Law of the City of Dunkirk
- E. This annual dog license fee shall be charged for all licenses becoming effective on or after the effective date of this local law.

§ 25-11. Liability of City Officials. [Added 12-7-2010 as L.L. #3-2010]

No officer, agent or employee of the City of Dunkirk shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City of Dunkirk as the result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City Attorney until the final determination of the proceedings thereon.

§ 25-12. Separability. [Added 12-7-2010 as LL #3-2010]

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.