

CHAPTER 13

DOG CONTROL LAW

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SECTION 13-1. TITLE

This chapter shall be known as the “Dog Control Law of the Village of Arcade”.

SECTION 13-2. APPLICABILITY

This chapter shall apply to all dogs harbored within, or enter the Village of Arcade, whether or not tagged or licensed.

SECTION 13-3. RESTRICTIONS

- A. It shall be a violation of this chapter to permit or allow any dog in the Village of Arcade to:
1. Be at large off the owner’s premises except when such dog is restrained by an adequate collar and leash.
 2. Permit any dog in heat to be at large off the owner’s premises, whether or not restrained by a leash.
 3. Engage in habitual loud barking, crying or whining as to conduct itself in such manner as to unreasonably and habitually annoy any person.
 4. Cause damage or destruction to property or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog.
 5. Habitually chase, run alongside of or bark at motor vehicles or bicycles.
 6. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

- B. Any unlicensed or untagged dog found to be running at large shall be subject to seizure.
- C. Service dogs excepted. The provisions of this section shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.

SECTION 13-4. NUISANCES BY DOGS; RESPONSIBILITY OF OWNER

- A. Removal of feces by owner. Any person owning or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passage, by-path, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property, in violation of Section 13-3 above, shall immediately remove all feces deposited by any such dog in the following manner: feces shall be picked up with a scoop, shovel, broom, tong, or other similar implement and be deposited immediately thereafter in a container, plastic or other material.
- B. Disposal of feces. The feces removed from the aforementioned designated area shall be disposed of by the person owning or in charge of any such dog by any sanitary method. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.
- C. Service dogs excepted. The provisions of this section shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.

SECTION 13-5. SEIZURE

- A. Any police officer or designated representative of the Commissioner of Agriculture and Markets may seize any dog:
 - 1. Which is not licensed as required by the Agriculture and Markets Law of the State of New York, whether or not such dog is on or off the owner's premises.
 - 2. Found in violation of Section 13-3.
- B. Any dog seized pursuant to this section shall be taken to the dog holding center operated by the Village of Arcade and any agency under contract by the Village, and there the dog shall be properly cared for for a period not to exceed 10 days, with a kennel fee in accordance with the current fee schedule.
- C. In the event that such dog bears a license tag, the officer seizing the dog shall attempt to ascertain the name of the owner thereof and give said owner immediate notice stating that the dog has been seized and that they are to immediately redeem said animal.
- D. After the 10-day holding period refer to the contract with the County of Wyoming.

SECTION 13-6. APPEARANCE TICKET

Any police officer observing a violation of Section 13-3 of this chapter, or by verified complaint filed by a citizen, is hereby authorized to issue and serve an appearance ticket for such violation, pursuant to the Criminal Procedure Law, to the owner of any dog violating said Section 13-3 of this chapter. A person charged with a violation on an appearance ticket issued pursuant to this section may make an answer to such appearance ticket by registered mail, return receipt requested, within seven (7) days of the violation in lieu of a personal appearance on the return date at the time and court specified in said appearance ticket.

SECTION 13-7. PENALTIES FOR OFFENSES

Any person who violates or neglects to comply with any provision of this chapter shall, upon conviction thereof, be liable to a penalty of not less than Twenty-Five dollars (\$25.00) nor more than Seventy-Five dollars (\$75.00) for each violation. In addition, each violation of this enactment shall constitute disorderly conduct and each person violating the same shall be a disorderly person.

SECTION 13-8. SEVERABILITY

If any term, part, provision, section, subdivision, or paragraph of this Local Law should be held unconstitutional, invalid or ineffective in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions, or paragraphs of this Local Law.

SECTION 13-9. EFFECTIVE DATE

This Local Law shall take effect upon the filing with the Secretary of State.

Local Law No. 2-1968
New
Adopted: February 22, 1969
Published: February 27, 1969
Posted: February 28, 1969
Effective: March 10, 1969

Amended:
Local Law No. 5-2002
Adopted: October 15, 2002
Filed: October 22, 2002

Amended:
Local Law No. 1-1995
Date Adopted: September 19, 1995
Date Filed: September 25, 1995

Amended
Local Law No 1-2012
Date Adopted January 17, 2012
Date Filed: January 31, 2012

Amended:
Local Law No. 6- 2000
Date Adopted: July 18, 2000
Date Filed: August 18, 2000