

LOCAL LAW #1 OF 2024

Local Law to be known as the AMENDED Dog Control Law the becomes a Local Law on 16th day of July, 2024, when passed by the Local legislative body of the Town of Olean, Cattaraugus County, New York and file with the Secretary of State on **July 30, 2024**.

Be it enacted by the Town Board of the Town of Olean as follows:

Section 1. PURPOSE AND INTENT.

The purpose of the Local Law herein shall be to promote the health, safety, and general welfare of the Town of Olean, including the protection and preservation of the property of the Town and its inhabitants for their peace and good order by adoption and enforcing certain regulations and restrictions on the privileges of the owners of dogs and the rights and privileges of the residents of the Town of Olean and by imposing restrictions upon keeping and running at large of dogs within the Town of Olean.

Section 2. DEFININATIONS.

A. Dogs. The term “dog” or “dogs” shall mean both male and female dogs whether licensed or unlicensed, except where the context requires otherwise.

B. Owner. The term “owner” shall include any person or persons, firm, association, or corporation who owns, keeps, or harbors, or has care of, custody or control of a dog. Any person harboring a

dog three (3) days prior to any violations of this local law shall be deemed the owner of said dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where that minor resides.

- C. At Large. The Term "at large" shall be intended to mean any dog, licensed or unlicensed, off the premises of the owner, not under the control of the owner, a member of the owner's immediate family, or a responsible person able to control the animal.
- D. Restraint. A dog is under restraint if it is: 1.) controlled by a leash not exceeding ten (10) feet in length; 2.) On or within a vehicle being driven or parked on a street or roadway; 3.) within the property limits of its owner; 4.) upon the premises of another WITH the CONSENT of such other person.
- E. Leashed. The term "leashed" or "restrained by a leash" shall mean that the dog is equipped with a collar of sufficient strength to restrain the dog to which is attached a leash of sufficient strength, not more than eight (8) feet long which leash shall be held by a person having the ability to control and restrain the dog by means of a collar and leash when in contact with other people or animals.

Harness work by a guide dog for the blind shall be considered a suitable leash hereunder.

Section 3. REGULATIONS AND RESTRICTIONS.

- A. All dogs are required to be licensed and tagged as required by Article 7 of the Agriculture and Markets Law of the State of New York. Such tags shall be procured by the owner from the Town Clerk of the Town of Olean and shall have stamped thereon a number recorded in the Office of the Town Clerk and shall have been issued or renewed during the previous three hundred sixty-five (365) days.
- B. No person shall permit a dog owned by him to be at large within the municipal limits of the Town of Olean unless the dog shall be on the owner's premises or when on private premises of another with the knowledge, consent, and approval of such person or when in trials, competition or hunting in the company of and under the control of a trainer, hunter or hunters upon the property of another with the knowledge, consent, and approval of the property owner. Regardless, such dogs shall be supervised at all times, and such activities shall take place in such area and at times as are permitted

by law and with the consent, either expressed or implied, of the owner of the property.

- C. No person shall suffer, allow, or permit to run at large within the Town of Olean any vicious dog or dogs of dangerous disposition or a dog, which by its chasing or barking at persons, automobiles, bicycles, or moving vehicles on public streets, highways, sidewalks, or walking trails, or if running at large shall cause unreasonable disturbance in the neighborhood and peril the safety or disturb the comfort and repose of any person.
- D. No dog, whether leashed, or unleashed, shall be in any restaurant, grocery, or commercial establishment which sells food for human consumption, except that a guide dog for the blind may enter such premises when leading or accompanying a blind person therein, or by permission of the owner of the establishment.
- E. No person shall keep or suffer to be kept a dog which has attacked any person peaceably conducting himself in any place where such a person may lawfully be, or which has attacked, chased, or worried or killed any domestic animal as defined in Section 107 of the Agricultural and Markets Law of the State of New York or any

other cat or other dog, which such animal is in any place where it may lawfully be.

- F. No person who owns a dog shall permit or suffer such dog to damage or destroy property of any kind or to defecate on the private property of other persons, or to defecate upon public-owned property such as public streets, sidewalks, walking trails, or within the cemetery.
- G. No person shall keep, suffer, or permit to be kept on the premises occupied by such person any dog which, by its continual barking, howling, or wining, or other frequent or long continued noises shall unreasonably disturb the comfort or repose of other persons.
- H. No person who owns a dog shall permit the premises, structures, or enclosures in which this dog is kept to be unclean or unsanitary.
- I. No person shall permit a female dog owned by him to be off the owner's premises whether such dog is leashed or unleashed while such female dog is in heat.

Section 4. CONTROL OFFICER

The Town Board of the Town of Olean shall appoint a dog control officer, or control officers, as needed pursuant to Agriculture and Markets Law, Article 7, sections 108, 113, 115, 115A, 119, 120, 122, & 126, of the

State of New York. It shall be the duty of the dog control officer or control officers as well as all peace officers within the Town of Olean to enforce the provisions of this local law, as well as the Agriculture and Markets Law, Article 7, of the State of New York with respect to dogs in the Town of Olean, New York.

Dog control services cannot be provided by a dog dealer. A dog dealer is defined as any person who buys, sells, leases or otherwise deals in dogs. This does not include an individual who is selling the offspring of personally owned dogs and does not sell or offer to sell more than 24 puppies in a year.

Every Dog Control Officer has the power to issue an appearance ticket pursuant to the Criminal Procedure Law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of Agriculture and Markets Law, Article 7.

Section 5. SEIZURE OF DOGS.

- A. The dog control officer or any peace officer shall seize any dog, which is licensed or unlicensed, tagged or untagged, and is found at large within the Town of Olean in violation of the local law as well as any dog or dogs otherwise required to be seized under and

by virtue of the Agriculture and Markets Law, Article 7, Section 117 of the State of New York.

- B. The dog control officer or any peace officer is hereby authorized and empowered to seize and confine any dog which is reported to have attacked or injured a human being. Any such dog shall be confined for such length of time as may be directed by the dog control officer for the purpose of determining whether such dog is infected by rabies.
- C. The owner of any such dog suspected to be infected by rabies shall, upon demand, deliver the possession of said dog or dogs to any dog control officer or officer authorized to seize the same, and shall pay to the Town of Olean the cost of such confinement and any necessary treatment as directed by said dog control officer.
- D. The County Health Department is responsible for handling rabies cases. The Dog Control Officer has no authority to handle such events but may be called upon for assistance. If the Health Department wishes to use Dog Control Officer services, an agreement should be in place with the Town, and should specify the duties expected of the dog control officer. Any fees incurred with the testing for rabies shall be paid by the dog owner.

Section 6. REDEMPTION OF SEIZED DOGS.

- A. Every dog seized shall be properly fed and cared for at the expense of the Town until redeemed or forfeited. The redemption of the seized dog shall be in conformance and pursuant to the provisions of the Agriculture and Markets Law, Article 7 of the State of New York both as to licensed and unlicensed dogs.
- B. The Town or its representatives, if it has knowledge of the owner of the dog, shall give immediate notice to the owner advising that the dog has been seized and that the owner shall forfeit title to the dog and the dog may be directly adopted, transferred to a shelter for adoption or euthanized unless redeemed within the period provided.
- C. The owner of a dog seized shall redeem the unlicensed dog within five (5) days of service of the notice and the owner of the licensed dog shall redeem the dog within seven (7) days, each by paying to the Town Clerk the sum of fifty dollars (\$50.00) for the seizure fee for the first time the dog is seized and twenty-five dollars (\$25.00) per day as the cost of confinement. The second seizure fee of the same dog shall be one hundred dollars (\$100.00) and twenty-five dollars (\$25.00) per day as the cost of confinement. The third

seizure of the same dog fee shall be one hundred fifty dollars (\$150.00) and twenty-five dollars (\$25.00) per day as the cost of confinement.

- D. If the seized dog is unlicensed or has an expired license, the owner shall obtain a license or renew the expired license with the Town Clerk and provide proof of current rabies vaccination at the time of licensure, and prior to redemption.
- E. If any dog seized is not redeemed within the time set forth, the owner shall forfeit title to the dog and the dog may be directly adopted, transferred to a shelter for adoption or euthanized. In the case of a direct adoption, the purchaser must pay the adoption fee to the Town which shall not be less than the confinement fees and the cost of seizure to the Town Clerk and obtain a license for such dog. If any dog is to be euthanized, the procedure must be carried out in accordance with Agriculture and Markets Law, Article 7, Sections 117.7 and 117.7-a, Article 26, Section 374 (Cruelty to Animals); New York Codes, Rules and Regulations (NYCRR) Part 77.3 and by methods currently approved by the American Veterinary Medical Association Guidelines on Euthanasia. The procedure must be performed by a veterinarian, a licensed

veterinary technician (LVT) under the supervision of a veterinarian, or designated shelter personnel with the NYS Department of Health certification and current registration. A written report of such destruction shall be sent to the Town Clerk and shall keep a record thereof. The owner of a euthanized dog shall pay the Town Clerk the cost of seizure, any confinement fees, and veterinary services associated with the euthanasia procedure of such dog and such costs may be recovered by the Town Clerk in a civil action brought in the name of the Town before the Town Justice of the Town of Olean, New York.

- F. No dog seized shall be sold or surrendered to any person, firm, organization, or institution for experimental use.

Section 7. TOWN JUSTICE TO HAVE JURISDICTION.

- A. Any Town Justice of the Town of Olean shall have jurisdiction to hear all signed complaints filed as hereinafter provided and all actions and proceedings hereunder and for all prosecutions for the violation of this local law. Upon receipt by the Town Justice of any complaint against the conduct of a particular dog, the Town Justice shall summon the alleged owner or other person harboring the dog

to appear in person before him; if the summons is disregarded, the Town Justice may permit the filing of information and issue a warrant for the arrest of such person.

- B. Any person who observes a dog causing damage or destruction of property of a person other than its owner or violating any section of this local law, may file a signed complaint, under oath, with a Town Justice of the Town of Olean specifying the objectionable conduct of the dog, the date thereof, the damage caused, the description of the dog and the name and residence, if known, of the owner or other person harboring the dog.

Section 8. PENALTIES.

- A. A violation of the Local Law shall be deemed an offense against the within local law and may be punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for not exceeding thirty (30) days, or both. In addition to such penalties, any owner may, upon conviction, be ordered to make restitution for such damage or injury as may have resulted from such violation. Each separate offence shall constitute a separate additional violation. The provisions hereof are in addition to the regulations,

restrictions, requirements, and penalties contained in Article 7 of the Agricultural and Markets Law.

Section 9. VALIDITY.

A. The individual of any such sentence, clause, paragraph, or provision of their Local Law shall not invalidate any other sentence, clause, paragraph, or provision thereof.

Section 10. WHERE EFFECTIVE.

A. This Local Law shall be effective only in the geographical limits of the Town of Olean and the expenses of the establishing and maintenance of pounds and the compensation and expense of the dog control officer shall be raised by a tax on taxable real property in the Town of Olean.

Section 11. REPEAL OF PRIOR ORDINANCE.

A. The existing dog control ordinance of the Town of Olean adopted on the 23rd of October, 1982, is hereby repealed in its entirety.

Section 12. EFFECTIVE DATE OF LOCAL LAW.

A. This local law shall take effect upon the filing hereof as required by Section 27 of the Municipal Home Rule Law.