

DOG CONTROL ORDINANCE
OF THE TOWN OF ANDOVER

Be it enacted by the Town Board of the Town Of ANDOVER, New York, as follows below. Be it known that this Local Ordinance herein stated supersedes any other local dog ordinance which has been in effect until the date of enactment of the ordinance.

SECTION 1. TITLE

The title of this local ordinance shall be: DOG CONTROL ORDINANCE OF THE TOWN OF ANDOVER, ALLEGANY COUNTY, NEW YORK.

SECTION 11. LEGISLATIVE INTENT

The Board of the Town of Andover, New York, finds that running at and other uncontrolled behavior of licensed or unlicensed dog has caused physical harm to persons, damage to property, and created nuisance within Town. The purpose of the local ordinance is the protection of property, of people, and other animals against dogs running at large and for the prevention of disease caused by dogs running at large. It is also the intent of this ordinance to set forth regulations in the establishment of dog kennels, and other animal boarding facilities.

SECTION 111. DEFINITION OF TERMS

As used in this local ordinance the following words or phrases shall have the following respective meanings:

A. COMMERCIAL KENNEL

Any building or lot on which three or more domesticated animals are trained, boarded, bred, or sold for commercial purposes. This definition shall not apply to nor include animals which are owned by the persons or persons who own or occupy said building or lot. Also, this definition shall not be apply to or include domesticated farm animals such as horses, donkeys, cattle, sheep, goats, pigs, ducks, geese, poultry and rabbits.

B. CONFINED

That such animal is secured confined or restrained and kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire, or other effective tether of such length and so arranged that the animal cannot reach or endanger and person on any adjacent premises or on any public street, way, or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

C. DOG

Dog shall mean male and female, licensed and unlicensed members of the species Canis families.

D. DOG CONTROL OFFICER

Any person authorized by the Town Board to enforce the provisions of this local ordinance or the provisions of the Agriculture and Markets Law of New York State. A person may also be authorized by the Town Board as Assistant Dog Control Officer.

E. AGRICULTURE AND MARKET LAW

The Agriculture and Market Law of New York, in effect as of the effective of this local ordinance, and as amended thereafter.

F. OWNER

The party purchasing the license for the animal, unless the dog is or has been lost, and such loss reported to the Dog Control Officer and reasonable search has been made. If an animal is not licensed, the term of owner shall designate and cover any person or persons, firms, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of the ordinance, shall be held and deemed to be owner of such dog for the purpose of the local ordinance. In the event any dog found to be in violation of this chapter shall be owned by a minor, under the age of eighteen (18) years, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog and violation of the local ordinance.

G. RECREATIONAL AREAS

Recreational areas shall mean any real property owned by the Town of Andover and which is used for recreational purposes by the public, including, but not limited to, parks or playgrounds owned by the Town of Andover.

H. RUNNING AT LARGE

Run at large shall mean to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

I. SCHOOL PREMISES

Any real property situated within the Town of Andover which is used for educational purposes or purposes incidental thereto.

J. TOWN

The use of the word Town shall designate the area within the corporate limits of the Town of .

SECTION IV. RESTRICTIONS

A. It shall be unlawful in the Town of Andover for any owner of any dog to permit or allow such dog to:

1. Run at large off the owner's premises unless such dog is restrained by an adequate leash, or is under voice control. This regulation shall not apply to hunting dogs or dogs being trained for hunting purposes while afield, where such activities are lawful, when under control of the owner or responsible person.

2. Engage in habitual loud howling, barking, crying, or whining or in conducting itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

3. Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.

4. Habitually chase, run alongside of or bark at motor vehicles or pedestrians while on a public street or highway or upon public or private property of the owner or harbinger of said dog.

5. Create a nuisance by defecating, urinating, or digging on public property or property other than property of said owner.

B. No dog, whether leased or unleased, shall be in any restaurant, grocery, or commercial establishment which sells food for human consumption, or in a cemetery. This prohibition shall not apply to a seeing-eye dog accompanying a blind person, or a hearing assisting dog accompanying a hearing impaired person, or either dog in training for such activity.

C. An owner may have only three (3) adult dogs and one (1) litter of pups under four (4) months of age at any one time. More than three (3) adult dogs and one (1) litter of pups will constitute a kennel and will be subject to the kennel requirements of this ordinance.

D. All dogs shall be kept in clean and sanitary premises, structures, or enclosures.

E. No dogs shall be at large on any school premises, or on the sidewalks adjacent thereto, unless said dog is on a leash or said dog is accompanied by its owner or a responsible person able to control it by command.

F. No dog shall be at large on any recreational or park area unless said dog is on a leash or said dog is accompanied by its owner or responsible person able to control it by command. No dog shall be

allowed to disturb the users of the recreational area. The owner or responsible person of said dog shall be responsible for promptly removing all solid waste excretion from the recreational or park grounds and depositing same in a plastic bag tightly secured, and said waste must be either removed from the area or deposited in a refuse can or suitable waste disposal facility.

G. A female dog in heat shall be confined to the owners premises.

H. Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section IV of this local ordinance shall be presumptive evidence against the owner or harbinger of such dog that he or she has failed to properly leash or control his or her dog.

I. All dogs licensing shall be in accordance with NYS Agriculture and Markets Law Section 7.

V. REGULATIONS REGARDING COMMERCIAL KENNELS WITHIN THE TOWN OF ANDOVER.

SPECIFICATIONS: All commercial kennels shall meet the following:

1. One inside pen shall be provided for each dog boarded.
2. Inside pen side shall have a minimum measurement of three (3) feet wide by three (3) feet in length for all dogs except for giant breeds which will have a minimum of three (3) feet by four (4) feet in area size.
3. For every three pens there shall be a minimum of one (1) outside run.
4. There shall be a minimum of one outside run per three dogs boarded, and there shall be no more than one dog per run at any one time.
5. Each outside run shall:
 - a. have a concrete base;
 - b. be enclosed by a minimum six (6) foot high chain link fence with shelter and with secure gates;
 - c. be three (3) feet in width and ten (10) feet in length. There shall be a least one run with four (4) foot width and ten (10) foot length for a giant breed dog.

B. RESTRICTION

1. A commercial kennel can only be established on at least five (5) acres of property located at least 100 yards from any adjoining property lines. A commercial kennel cannot be established within a one mile radius of any existing licensed

kennel.

2. Solid waste shall be disposed of by removing and depositing it in a plastic bag tightly secured and disposed of in the Allegany County Transfer Station, or in an Allegany County approved septic system.

3. A license for one year for a kennel can be obtained from the Town Clerk, said license to meet with Dog Control Officer. A fee of \$50.00 per year per kennel is imposed by the Town and each license is renewable on its anniversary date for the same fee.

SECTION VI. ENFORCEMENT

A. VIOLATIONS AND PENALTIES

1. In addition to enforcement of provisions authorizing seizure of unlicensed dogs, pursuant to Section 114 of the Agriculture and Market Law of New York State:

a. Any person who permits any act in violation of the provisions of this ordinance shall be deemed to have committed an offense against such ordinance, and shall be liable for any such violation or the penalty thereof.

b. For every violation of Section IV, of this ordinance, the person in violation shall be subject to a fine of not more than \$50.00 and/or imprisonment of not to exceed ten days.

c. For every violation of Section V. of this ordinance, the person in violation shall be fined \$100.00 for any part of the first seven days of the violation, and for each consecutive seven days of violation thereafter, the fine will be \$100.00.

d. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a Court of Competent jurisdiction to compel compliance with or to restrain by injunction the violation of such ordinance.

B. REPEAL

All ordinances or regulations, Heretofore adopted in conflict with this ordinance are hereby repealed.

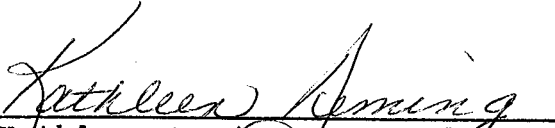
C. Any exiting commercial kennel shall have ninety (90) days within which to comply with the specifications of Section V and shall immediately comply with Section IV upon filing with Secretary of State.

D. EFFECTIVE DATE

This ordinance shall take effect ten days after publication.

DATED:

BY ORDER OF THE ANDOVER TOWN BOARD, ANDOVER, NEW YORK


Kathleen Deming, Town Clerk