

TOWN OF MAYFIELD LOCAL LAW NO. 2 OF THE YEAR 1990

A local law to impose restrictions and regulations upon the keeping or running of dogs at large and other uncontrolled behavior.

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

Section 1 – Purpose.

The Town of Mayfield, New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons and damage to property and has created nuisances within the town. The purpose of this Law is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the town.

Section 2 – Statutory Authority.

This Article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law.

Section 3 – Title.

The title of this Law shall be the “Dog Control Law of the Town of Mayfield”.

Section 4 – Definitions.

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

AT LARGE – Any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be “at large” if it is:

- A. Accompanied by and under the immediate supervision and control of the owner or other responsible person.
- B. A police work dog in use for police work.
- C. Accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

HARBOR – To provide food or shelter to any dog.

OWNER – Any person who harbors or keeps any dog. In the event that any dog found in violation of this Law shall be owned by a person under eighteen (18) years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

Section 5 – Prohibitions.

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Mayfield, to:

- A. Be at large.
- B. Engage in habitual loud howling or barking so as to habitually annoy any person. Barking at an intrusion or a disturbance shall not constitute a violation of this Law.
- C. Cause damage or destruction to property or commit a nuisance by habitually defecating or urinating or scavenging through refuse upon the premises of a person other than the owner of such dog, unless the owner of said premises has given permission therefor.
- D. Commit an overt act which causes a person who is peaceably conducting himself in any place where he may lawfully be to be placed in reasonable apprehension of bodily harm, together with apparent ability in a dog to inflict such harm.
- E. Habitually chase or run alongside of motor vehicles or bicycles.

Section 6 – Enforcement.

This Law shall be enforced by any dog control officer or peace officer, when acting pursuant to his special duties.

Section 7 – Seizure.

A dog may be seized, pursuant to the provisions in §118 of the Agriculture and Markets Law, only if such dog is at large or unlicensed.

Section 8 – Impoundment.

Every dog seized shall be properly cared for, sheltered, fed and watered pursuant to §118 of the Agriculture and Markets Law for a redemption period of not less than seven (7) days.

Section 9 – Redemption; Adoption; Euthanization.

- A. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in §118 of said Article.
- B. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subsection A of this section whether or not such owner chooses to redeem his or her dog.
- C. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of §118 of the Agriculture and Markets Law.

Section 10 – Complaints; Filing and Specifications.

Any person who observes a dog in violation of this Law may file a complaint under oath or an affirmation with a justice of the Town of Mayfield or with the Dog Control Officer specifying the nature of the violation, the date and time thereof, a complete description of the dog, including, for example, the breed, the approximate size, color, markings and distinguishing characteristics, and the name and residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this Law, except that two (2) complaints, each originating from separate households, shall be required as the basis for enforcing the provisions of Section 5B.

Section 11 – Appearance Ticket.

Any dog control officer or peace officer, when acting pursuant to his special duties, observing a violation of this Law in his presence or receiving a complaint pursuant to Section 10 of this Law, shall issue and serve an appearance ticket for such violation.

Section 12 – Penalties for Offenses.

Any person convicted of a violation of this Law shall be deemed to have committed a violation and shall be subject to the following fines:

- A. A fine of not more than twenty-five dollars (\$25.00) for the first conviction of a violation of this Law.
- B. A fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for the second conviction of this Law within one (1) year of the first conviction of a violation of this Law.
- C. A fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the third conviction of a violation of this Law within one (1) year of the first conviction of a violation of this Law.
- D. A fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for the fourth or additional convictions of a violation of this Law within one (1) year of the first conviction of a violation of this Law.