

LOCAL LAW NUMBER TWO FOR 2022 OF THE TOWN OF LOWVILLE

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF LOWVILLE AS FOLLOWS:

Section 1. Purpose. The Town Board of the Town of Lowville finds that dogs are capable of causing physical harm to persons or damage to property or create a nuisance in the Town which should be controlled.

Section 2. Authority. This Local Law is enacted pursuant to the provisions of Article 7 Chapter 59; Part T of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3. Title. The Title of this Law shall be the Dangerous Dog Control Law of the Town of Lowville.

Section 4. Law.

Dangerous dogs

A. Description of dangerous dog.

- (1) A dangerous dog is one that:
 - (a) Has exhibited and exhibits aggressive behaviors that result in further complaints;
 - (b) Without provocation, inflicts serious injury on a human being;
 - (c) Menaces, maims, or kills domestic animals when off its owner's property;
 - (d) Is used in the commission of a crime, including but not limited to animal fighting, menacing, or guarding illegal operations.
 - (e) Attacks, chases, harasses, molests, worries, injures or kills deer, cattle, horses, poultry or other domestic animals including other dogs.
- (2) Notwithstanding the above, the Dog Control Officer or his representative shall have discretionary authority to refrain from filing charges against the dog or dog owner, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was:
 - (a) The result of the victim abusing or tormenting the dog;
 - (b) Directed toward a trespasser or a person committing or attempting to commit a crime; or
 - (c) Involved or related to other similar mitigating or extenuating circumstance;

- (3) “Dangerous dog” does not include a police work dog, while such police work dog is being used to assist one or more law enforcement officers in the performance of their official duties.
 - (4) “Owner” as used in this Local Law includes a person who provides housing or who has control or should have control of a dangerous dog.
- B. Procedure for classifying a dog as dangerous. The Dog Control Officer or his representative shall investigate the circumstances of the complaint and notify the dog owner of the charge. If a dog has bitten someone, the Dog Control Officer may take the dog into custody for up to 48 hours at the owner’s expense to protect the community while completing his investigation. The officer will then report the results of the investigation to a magistrate or other court officer and to the dog owner. The Court shall then, following the procedures in the Agriculture and Markets Law establish a date for an evidentiary hearing. If the court deems the dog to be dangerous, the dog owner has the option of filing an appeal with the court or an appeal with a court of appropriate jurisdiction for hearing appeals from a town court or accepting the designation.
- C. Depending on the circumstances, the dog may be impounded by the Dog Control Officer at the owner’s expense pending disposition of the case.
- D. Sanctions for owning a dangerous dog. A dangerous dog may be returned to the owner or may be destroyed depending on the outcome of the investigation. If the dog is returned to the owner, it must be microchipped, and confined in a locked pen with a top when not in a home or other building, and restricted by a sturdy leash no longer than four feet long and muzzled when in public. Photos of the dog must be filed with the dog control agency. The owner must provide proof of a liability insurance policy in an amount determined by the court, but in no event in excess of \$100,000. Depending on the outcome of the investigation, the court may require a behavioral evaluation of the dog and sentence the owner to attend a responsible owner class.
- E. Confinement of dangerous dogs. Dogs that have been adjudicated as dangerous must be confined behind a locked fence of sufficient height and materials to securely contain the dog and prevent trespass. Confinement must be sufficient to prevent children from coming into contact with the dog. When off the owner’s property, a dangerous dog must be restricted by a leash of no more than four feet in length, must be under control of a legally responsible person, and will be required to wear a muzzle. Owners must also purchase liability insurance in an amount specified by law.
- F. Transporting dangerous dogs. Dogs that have been adjudicated as dangerous must be confined in a crate in a closed, locked vehicle to prevent opportunities for escape and in a manner sufficient to prevent children from coming into contact with the dog through an open window in the vehicle.
- G. Additional Incidents. Additional incidents sufficient to identify the dog as dangerous may result in the court ordering humane euthanization of the dog and additional penalties for the owner,

H. Penalties for dangerous dogs running at large. Any owner or person who has custody and/or control of a dangerous dog (hereinafter, “owner”) that commits acts which classify it as dangerous shall be guilty of an offense and subject to the following penalties:

- (1) If the dog is found to be dangerous, the Court may either return it to the owner under the circumstances outlined in this Law or order the dog to be impounded and euthanized at the expense of the owner.
- (2) A dog previously classified as dangerous which is later found to be running at large, but without repeating the dangerous behavior, may be returned to its owner at the direction of the Dog Control Officer or the Court after reviewing the case and the inspection of the confinement facilities for the dog at the owner’s residence.
- (3) Additionally, an owner of a dog found to be dangerous is subject to the following potential penalties:
 - (a) Upon conviction of a first offense, by a fine of not less than \$150 nor more than \$1,500 and/or imprisonment not to exceed 10 days.
 - (b) Upon conviction of a second offense or subsequent offense for the same animal, the owner shall be deemed guilty of an unclassified misdemeanor punishable by a fine of not less than \$250 nor more than \$3,000 and/or imprisonment not to exceed 15 days.
 - (c) A single act that violates more than one provision of this section shall be treated as a single conviction for the purpose of sentencing
 - (d) If the violation of the dangerous dog law results in serious bodily injury, the Court shall have the power to order restitution.

Section 5. Effective Date. This law shall be effective upon filing with the Secretary of State.