

DOGS

Chapter 24

DOGS

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[HISTORY: Adopted by the Board of Trustees of the Village of Liberty 12-7-1987 as L.L. No. 15-1987.<sup>1</sup> Amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets — See Ch. 10.  
Noise — See Ch. 55.

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<sup>1</sup> Editor's Note: This local law also superseded former Ch. 24, Dogs, adopted as follows: Art. I, 1-9-1961; Art. II, 8-2-1971; Art. III, 9-13-1976 as L.L. No. 7-1976, as amended.

**§ 24-1. License required; rabies shots.**

- A. All dogs in the Village of Liberty six (6) months of age or older shall be properly licensed by the Town Clerk and have updated rabies shots.
- B. The owner, lessor and renter shall be jointly responsible to ensure that all dogs on the premises are licensed, have rabies shots and are properly fed, watered and housed in a suitable, clean doghouse or kept inside, confined to the dog licensee's domicile.

**§ 24-2. Limitation on number allowed; exemption.**

The Village of Liberty from this time forward imposes a limit on the number of dogs a person, family, group, organization or business shall possess on his or her property, whether said property is owned, leased or rented. Whether the dogs are kenneled either inside or outside, the limit on the number of dogs is four (4), except those dogs that are six (6) months of age or younger. An exemption would apply to those owners that possess a valid purebred New York State kennel license.

**§ 24-3. Annoyance of persons prohibited.**

No person shall permit his or her dog to run at large, howl or bark in such a way as to disturb or annoy any person or persons in the Village of Liberty. Owners of dogs shall take every reasonable and proper precaution to prevent their dogs from damaging the property of other persons.

**§ 24-4. Running at large.**

No person owning or harboring a dog of ferocious character or disposition shall permit his or her dog to run at large in the Village of Liberty, nor shall a person owning or harboring a female dog permit such female dog in time of heat to run at large in the Village of Liberty.

**§ 24-5. General restrictions.**

Dogs, whether licensed or not, shall be subject to the following restrictions:

- A. No person owning or having the custody and control of a dog shall permit such dog to be at large in the Village of Liberty, elsewhere than on the premises of the owner, unless it is on the premises of another person with the knowledge and consent of such other person.
- B. The owner or person having custody and control of a dog in the Village of Liberty, which is not on the premises of the owner or upon the premises of another person with the knowledge and consent of such person, shall control and restrain such a dog by a leash not to exceed six feet in length.
- C. The fact that a dog is at large in the Village of Liberty, elsewhere than on the premises of the owner, shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.

**§ 24-6. Seizure; redemption; destruction of unclaimed dogs; statutory penalties.**

- A. No action shall be maintained against any agent or officer of the Village to recover the possession or value of a dog or damages for injury or compensation for the destruction of or seizure of any dog. A "dog" is defined as a male or female, licensed or unlicensed, member of the species *Canis familiaris*. [Amended 8-2-1995 by L.L. No. 9-1995]
- B. No action shall be maintained against the Village or any agent or officer of the Village to recover damages if damage or compensation shall take place while a dog is being pursued, captured or contained, kenneled or transported. [Amended 8-2-1995 by L.L. No. 9-1995]

- C. A fine of \$25 will be incurred for unlicensed, untagged dogs, plus the cost of feeding, veterinarian bills and a care and maintenance charge of \$7 per day over a five-day limit. A fine of \$15, plus expenses, will be incurred for licensed dogs.
- D. The Village Justice may order the destruction of a dog at his or her discretion, if warranted. Any violation of an order issued by the Justice under the provisions of this local law or any applicable laws and the Agriculture and Markets Law, Article 7 and Article 25-B, and Parts 78, 79 and 97 of Title I of the Official Compilation of Codes, Rules and Regulations of the State of New York or the Village Code, Chapter 24, shall be punishable as stated within the Agriculture and Markets Law. Article 7 may also be imposed with Village Code penalties for offenses.
- E. The agent or officer of the Village shall, at his or her option, elect to keep an impounded dog for a period of five days, not to exceed 14 days, and at either time may elect to adopt, give to a humane society or destroy said dog. **[Amended 8-2-1995 by L.L. No. 9-1995]**

**§ 24-7. Appearance tickets; remedies.**

- A. A peace officer, Village officer, or the Dog Control Officer of the Town of Liberty observing a violation of the Village Code shall issue an appearance ticket for such violation. **[Amended 8-2-1995 by L.L. No. 9-1995; 3-9-2005 by L.L. No. 6-2005]**
- B. Any person observing a dog in violation of this Village Code may file an information sheet with the Village police or Village Justice specifying the nature of the violation, the date, time, description of the dog and the name and residence of the dog owner. An appearance ticket may be issued, at which time the Village Justice shall summon the dog owner or harbinger into Village Court. **[Amended 8-2-1995 by L.L. No. 9-1995]**
- C. The Village Justice or designee may order the following:

- (1) The owner of a dog to restrain his or her dog by collar and leash at all times.
- (2) The owner to confine the dog to his or her premises at all times with a kennel, run, fence (of appropriate nature) or cage or effect such other remedy authorized by law as may be warranted by the circumstances in each case.
- (3) Any fine or civil penalty authorized by § 24-10. **[Added 3-9-2005 by L.L. No. 6-2005]**

**§ 24-8. (Reserved)<sup>1</sup>**

**§ 24-9. Removal and disposal of canine waste. [Added 8-19-1993 by L.L. No. 2-1993]**

- A. It shall be unlawful for any dog owner or person having possession, custody or control of any dog to allow such dog to defecate on public or private property over the objection of the owner of such property.
- B. It shall be the duty of each dog owner or person having possession, custody or control of a dog to remove any feces left by his or her dog on any sidewalk, gutter, street, grassy area between the street and sidewalk, park, school yard or other property and to dispose of the same in a safe and sanitary manner.
- C. The provisions of this local law shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.
- D. For a thirty-day period beginning August 12, 1993, persons violating this local law shall be given a warning ticket advising them of this local law and its

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<sup>1</sup> Editor's Note: Former § 24-8, Penalties for offenses, was superseded 8-19-1993 by L.L. No. 2-1993. See now § 24-10, Penalties for offenses.

requirements. Effective September 11, 1993, appearance tickets as authorized in § 24-7 shall be issued.

**§ 24-10. Penalties for offenses. [Added 8-19-1993 by L.L. No. 2-1993; amended 8-2-1995 by L.L. No. 9-1995]**

Any violation of this local law shall constitute a violation punishable by a fine or a civil penalty of not less than \$25 nor more than \$75. For the purposes of enforcing the provisions of this section, appearance tickets may be issued by police officers, code inspectors and by any persons authorized to issue tickets for parking violations.

**§ 24-11. Amendments. [Added 8-19-1993 by L.L. No. 2-1993]**

The penalties for this local law can be revised by resolution in the future.

**§ 24-12. Position of Dog Control Officer eliminated. [Added 8-2-1995 by L.L. No. 9-1995; amended 3-9-2005 by L.L. No. 6-2005]**

The position of Dog Control Officer is eliminated effective January 1, 1996. The foregoing shall not in any way negate the authority of the Dog Control Officer of the Town of Liberty to enforce the provisions of this chapter, as set forth in § 24-7A.