

ORDINANCE NO. THREE OF THE
11th DAY OF JULY, 1977
OF THE TOWN BOARD OF THE
TOWN OF LEE REGULATING AND
CONTROLLING DOG OWNERS RESPONSIBILITIES
IN THE CONTROLLING OF DOGS

Be it ordained by the Town Board of the Town of Lee, as follows:

Section 1. PURPOSE AND INTENT: The purpose of this ordinance shall be to promote the health, safety and general welfare of the residents of the Town of Lee, including the protection and preservation of their property by the imposing of certain restrictions on controlling of dogs within the Town of Lee.

Section 2. AUTHORITY: The ordinance is enacted pursuant to the provisions of Section 126 of the Agriculture and Markets Law of the State of New York and the applicable sections of the Town Law.

Section 3. TITLE: The title of this ordinance shall be "Dog Control Ordinance of the Town of Lee, dated the 11th day of July, 1977".

Section 4. DEFINITION OF TERMS: As used in this ordinance, the following words shall have the following respective meanings:

A. Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York, in effect as of the effective date of this ordinance and as amended by this ordinance and as amended thereafter.

B. Dog. Dog shall mean any dog regardless of age, either male or female, licensed and unlicensed, members of the species canis familiaris.

C. Dog Warden. Any person authorized from time to time to enforce the provisions of this ordinance or the provisions of the Agriculture

and Markets Law of the State of New York as authorized by the Town Law.

D. Owner. The party purchasing the license unless the dog is or has been lost and such loss reported to the dog warden and reasonable search has been made. If an animal is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbours, or is otherwise responsible for any animal which is kept, brought or comes within the Town of Lee. Any person owning or harboring a dog for a period of one week prior to the filing of any information charging a violation of this ordinance, shall be held and deemed to be the owner of such dog for the purpose of this ordinance. In the event the owner of any dog is found to be in violation of this chapter is a minor, 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 in violation of this ordinance.

E. Town. Shall designate the area within the corporate limits of the Town of Lee.

Section 5. RESTRICTIONS: It shall be unlawful for any owner, or any person harboring or controlling any dog whether or not the dog is licensed or unlicensed in the Town of Lee to allow such dog to:

A. Engage in habitual howling or barking or to conduct itself in such a manner as to habitually annoy any person other than the owner or person or persons harboring such dog.

B. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person or persons harboring said dog.

C. Chase or otherwise harass in such a manner to reasonably cause intimidation or to put such person or persons in a state of apprehension of bodily harm or injury.

D. Habitually chase or bark at motor vehicles.

Section 6. SPECIAL RESTRICTIONS: It shall be unlawful for the owner of any female dog to allow such dog to run at large when in heat; such dog shall be confined to the premises of such person or persons during such period.

Section 7. ENFORCEMENT: The enforcement of the provisions of this ordinance shall be the responsibility of the dog warden and/or constable duly appointed by the Town Board as provided by the Town Law. Said dog warden or constable shall hereby have the authority to enforce the provisions of this ordinance, and enforce the provisions of Section 116 of the Agriculture and Markets Law entitled "Dangerous Dogs"; may investigate and make applicable reports to the Town Justice concerning any and all instances in regards to the conduct of dogs, shall hereby have the authority to issue appearance tickets as provided in Section 116 of the Agriculture and Markets Law, and see that the order or orders of the Town Justice of the Town of Lee in such case or cases are carried out.

Section 8. COMPLAINT: Any person who observes a dog causing damage or destruction to property other than property of its owner or harborer of said dog, or committing a nuisance upon the premises of a person other than its owner or harborer may file a signed information under oath with the Town Justice of the Town of Lee recording the objectionable conduct of said dog. Said information should contain the date of the

alleged violation, the substance of the damage caused or other violation, a description of the dog and the residence, if known, of the owner or other person harboring said dog and the name and address of the owner or harborer of said dog.

Section 9. FURTHER COMPLAINT: Upon receipt of the Town Justice of any signed information against the conduct of any particular dog, the Justice may summon the alleged owner or person harboring said dog to appear in person before him; in addition, the constable or dog warden above mentioned may also issue appearance tickets in connection with the said signed information and/or complaint. If the summons or appearance ticket is disregarded the Justice may then issue a warranty of arrest of such person owning or harboring said dog.

Section 10. VIOLATION: Any person who violates this ordinance or knowingly permits the violation of this ordinance or any of the provisions thereof, shall be deemed to have committed an offense against this ordinance and any and all persons convicted of such violation after investigation and hearing, shall be liable to a penalty of not more than \$25 for the first offense; \$50 for the second offense; and \$75 for the third offense, or in the alternative, five (5) days in jail for each and every violation.

Section 11. INVALIDITY: The invalidity of any section of this ordinance shall not invalidate any other section or provision thereof.

Section 12. EFFECTIVE DATE: This ordinance shall take effect ten (10) days after the proper posting and publication of the adoption of said ordinance as authorized by the Town Law.

Moved by: Howard Meyers

Seconded by: Chester Martin

AYES: Unanimous

NAYS: _____

Date of Adoption: July 11, 1977

Whisley D. Smith
Town Clerk, Town of Lee

STATE OF NEW YORK)
COUNTY OF ONEIDA) SS:

SHIRLEY SMITH, being duly sworn, deposes and says that I am the Town Clerk of the Town of Lee and reside in the said Town of Lee, New York. That on the 20th day of September, 1977 I posted on the Town signboard, the notice of passage of Ordinance No. 3 entitled "Dog Control" pursuant to the requirements of the Town Law.

Shirley Smith
SHIRLEY SMITH

Sworn to before me this
20 day of September, 1977

Alyde B. Johnson
Notary Public in and for Oneida County
Official No. 79
Commission Expires March 23, 1980