

ARTICLE II
Dog Control
[Adopted 10-12-1988]

§ 56-5. Title.

This Article shall be known as the "Jerusalem Dog Control Ordinance."

§ 56-6. Purpose and intent.

The purpose and intent of this Article shall be to preserve the public peace and good order in the Town of Jerusalem and to contribute to the public welfare and the preservation and protection of the property and the person of the inhabitants of said town by declaring and enforcing certain regulations and restrictions on activities of dogs and owners of dogs within the town.

§ 56-7. Restrictions.

It shall be unlawful for any owner of or any person harboring any dog in the Town of Jerusalem to permit or allow such dog to:

- A. Run at large unless accompanied by its owner or a responsible person able to control the animal. For the purposes of this Article, a dog or dogs hunting in company with a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual loud howling or barking or to conduct itself in such manner so as to habitually annoy any person other than the owner or person harboring such dog.
- C. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog.
- D. Bite, chase or otherwise harass any person in such a manner as is reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E. Habitually chase or bark at motor vehicles.

§ 56-8. Number of dogs on premises.

It shall be unlawful to keep more than four (4) animals, four (4) months of age or older, on any premises, regardless of the number of owners, unless there is a purebred license for that premises or the premises had more than four (4) licensed dogs prior to November 1, 1988.

§ 56-9. Female dogs.

It shall be unlawful for the owner or person harboring any female dog to permit such dog to run at large when in heat, and such dog shall be confined to the premises of such person during such period.

§ 56-10. Dog Control Officer; powers and duties.

A Dog Control Officer to be designated by the Town Board as provided by § 114 of the Agriculture and Markets Law may enforce the provisions of this Article and may also investigate and report to a Justice of the Peace of the Town of Jerusalem any dangerous dog as described in § 121 of the Agriculture and Markets Law and see that the order or orders of the Justice of the Peace in such case are carried out.

§ 56-11. Seizure of untagged dogs.

Any peace officer or the Dog Control Officer of the town shall seize any dog found at large not wearing the license tag required by Article 7 of the Agriculture and Markets Law of the State of New York.

§ 56-12. Complaints.

Any person who observes a dog causing damage or destruction to property of a person other than its owner, committing a nuisance upon the premises of a person other than its owner or in violation of § 56-7B of this Article may file a signed complaint, under oath, with a Justice of the Peace of the Town of Jerusalem specifying the objectionable conduct of the dog, the date thereof, the damage caused or violation, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

§ 56-13. Action upon filing of complaint.

Upon receipt by the Justice of the Peace of any complaint, in writing, against the conduct of any particular dog, the Justice of the Peace must summon the alleged owner or other person harboring said dog to appear in person before him; if the summons is disregarded, the Justice must permit the filing of an information and issue a warrant for the arrest of such person.

§ 56-14. Care and redemption of impounded dogs; sale or destruction.

- A. Every dog seized shall be properly fed and cared for at the expense of the Town of Jerusalem until disposition thereof as herein provided and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.
- B. If the dog seized bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and shall give immediate notice by personally serving such owner or an adult member of his family with a notice, in writing, stating that the dog has been seized and will be destroyed unless redeemed as herein provided.
- C. The owner of a dog so seized may redeem the dog within seven (7) days, except that the owner of a dog bearing a license tag may redeem the dog within twelve (12) days by paying to the Town Clerk the reasonable cost of feeding and caring for such dog and the sum of five dollars (\$5.) as the cost of the seizure.
- D. If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be sold or destroyed by the Dog Control Officer. In the case of sale, the purchaser must pay the purchase price to the Town Clerk and obtain a license for such dog. The Dog Control Officer who destroys a dog shall immediately dispose of the carcass and make a written report of such destruction and disposition to the Clerk, who shall keep a record thereof.

§ 56-15. Penalties for offenses.³

Any person who violates this Article or knowingly permits the violation of this Article or of any of the provisions thereof shall be deemed to have committed an offense against this Article, and any person convicted of any such violation after investigation and hearing shall be liable to a fine of not more than twenty-five dollars (\$25.), except that, where the person was found to have violated this Article or Article 7 of the Agriculture and Markets Law within the preceding five (5) years, the fine may be not more than fifty dollars (\$50.); where the person was found to have committed two (2) or more such violations within the preceding five (5) years, such person shall be punishable by a fine of not more than one hundred dollars (\$100.) or imprisonment for not more than fifteen (15) days, or both.