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Nickie Bergreen, Councilwoman
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Rosemary Ryan, Comptroller
Kathryn Severtson, Receiver of Taxes
Andrea Jones, Assessor

ALLEGANY, NEW YORK 14706

TOWN OF ALLEGANY
ORDINANCE FOR THE CONTROL OF DOGS

SECTION 1 - DEFINITION OF TERMS

As used in this ordinance, unless otherwise indicated, the following shall be defined as indicated:

(a) "Dogs" shall be intended to mean both male and female dogs whether license or unlicensed.

(b) "Owner" shall be intended to mean any person or persons, firm, association, or corporation owning, harboring, or otherwise keeping a dog.

(c) "At large" shall be intended to mean any dog whether license or unlicensed off the premises of the owner, not under the control of the owner, a member of the owner's immediate family, or a responsible person able to control the animal.

SECTION 2

(a) No dogs, whether licensed or unlicense, shall be permitted or allowed to run at large anywhere within the municipal limits of the Town of Allegany. Dog(s) used for hunting shall be exempt from this section while being used in such capacity or in trials or competition. Regardless, such dogs must be supervised at all times, and such activities shall take place in such areas and at times as are permitted by law and with the consent, either expressed or implied, of the owner of the property.

(b) All dogs are required to be licensed and tagged as required by Article 7 of the Agriculture and Markets Law of the State of New York. Such tags shall be procured by the owner from the Town Clerk of the Town of Allegany, Cattaraugus County, New York and shall have stamped thereon a number recorded in the Office of the Town Clerk and shall have been issued during the current year.

SECTION 3

Any dog whether licensed or unlicensed, tagged or untagged, found running at large anywhere within the Town limits of the Town of Allegany shall be seized by any police officer, constable, dog warden, agent, or designee of the Town of Allegany.

SECTION 4

The owner of any dog properly tagged who is found to have been allowed to run at large within the municipal limits of the Town of Allegany shall be fined not more than (\$25.00) per violation. The owner of any dog not licensed or tagged as required by Article 7 of the Agriculture and Markets Law and allowed to run at large within the municipal limits of the Town of Allegany shall be fined not more than (\$50.00) per violation.

SECTION 5

The fact that any dog is without an official tag, or is wearing a tag issued during a previous year, it is presumptive evidence that the dog is unlicensed.

SECTION 6

No action shall be maintained by any person to recover the possession or value of a dog, or for damages for injury or destruction of a dog not wearing a tag as required by the Agriculture and Markets Law.

SECTION 7

The Dog Control Officer of the Town of Allegany or any police officer of the Town of Allegany is hereby authorized and empowered to confine any dog which is reported to have attacked or injured a human being. Any such dog shall be confined for such length of time as may be directed by the Dog Control Officer for the purpose of determining whether such dog is infected by rabies, or if so infected may be destroyed by direction of said Dog Control Officer.

SECTION 8

The owner of any such dogs said to be infected by rabies shall upon demand deliver the possession of said dog to any officer authorized to seize the same and shall upon demand pay to the Town of Allegany the cost of such confinement any necessary treatment directed by said Dog Control Officer.

SECTION 9

1. No person shall keep or harbor any dog that is accustomed to howl or bark continuously for an unreasonable length of time to the annoyance of persons other than the owner.
2. No person shall permit dog to chase or snarl or bark at a person walking, riding bicycle, or operating a motorized vehicle on public street, highway or sidewalk.
3. No person or dog owner shall permit his dog(s) to defecate upon premises of any other person or persons, other than dog owner's property.

4. No person or dog owner shall permit dog(s) to defecate upon public-owned property, such as public streets or sidewalks.

SECTION 10

Any dog seized under the terms of this ordinance which is not claimed by the owner within 120 hours after such seizure shall be killed or otherwise disposed of. Any expense to the Town for such seizure and confinement of such dog or dogs shall be charged to the owner.

SECTION 11

This ordinance shall supersede in its application to the Town of Allegany all previous ordinances providing for the control of dogs within the Town of Allegany.

SECTION 12

Anyone found guilty of a violation of any section of this ordinance shall be subject to a fine not to exceed (\$25.00) on each such violation, or (\$50.00) on any repeat violations within a period of 18 months from any previous violation of this ordinance.