

**VILLAGE OF DELANSON  
LOCAL LAW #1-2012**

**A LOCAL LAW RELATING TO THE REGULATION OF ANIMALS  
WITHIN THE  
VILLAGE OF DELANSON**

Be it enacted by the Village Board of the Village of Delanson, Schenectady County, New York as follows:

**SECTION 1**

**Legislative Intent:**

The purpose of this Local Law is to promote and protect public health, welfare and safety by restraining and/or regulating the presence of certain animals and fowl within the limits of the Village of Delanson.

**SECTION 2**

**Short Title:**

This Local Law shall hereafter be known and cited as the “Animal Law”.

**SECTION 3**

**Animals and Fowl at Large Prohibited:**

A. Impounded swine, sheep, goats, chickens, turkeys, geese or other fowl, or other animals except domesticated cats shall not be permitted to run at large in any street, road, lane, public park or any public place in the Village. Any such animals or fowl found running at large in the Village may be impounded by any Village Officer, employee or Animal Control Officer and properly sheltered, fed and watered for the redemption period as herein provided:

B. Each seized animal which is not identified, whether or not licensed, shall be held for a period of five (5) days from the day seized, during which period the animal may be redeemed by its owner, provided that such owner produces (for a dog) that the dog has been licensed and has a current and valid New York identification tag, and further provided the owner pays the following impoundment fees of thirty dollars (\$30.00) for the first twenty-four hours or part thereof, and thirty dollars (\$30.00) for each of the impoundment fees of thirty additional twenty-four hours or part thereof.

C. The owner of record of each identified seized dog shall be notified personally or by certified mail, return receipt requested, of the facts of the seizure and the procedure for redemption. If notice is personally given, such dog will be held for a period of five (5) days after day of notice during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog will be held for a period of seven (7) days from the date of mailing, during which period the dog may be redeemed by the owner. Any identified seized dog may be redeemed upon payment of the impoundment fees of thirty (\$30.00) for the first twenty-four hours or part thereof and proof that the dog has been licensed.

D. Any person claiming ownership of any dog shall be responsible for all additional expenses incurred and deemed necessary to protect the health and welfare of such dog, including the cost of veterinary care.

E. In any case wherein it becomes necessary for the Village of Delanson, in protecting the health and welfare of its citizens, to remove a dog or dogs to the protection of an animal shelter, the costs incurred for such harboring shall be borne by the owners of said dog or dogs.

F. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized subject to the provisions of Section 374 of the New York State Agriculture and Markets Law. Said owner shall, nevertheless, be responsible to the Village for the impoundment fees and other expenses incurred, including euthanasia fees, should this procedure become necessary. An action may be commenced by the Village to collect all said sums.

#### SECTION 4

##### **Animals Exposed to Rabies:**

Any owner or person having charge or being in the possession of any such animal within the Village of Delanson known to have been bitten by an animal exposed to rabies or any wild animal, shall immediately confine such animal so bitten securely, notify the Animal Control Officer or other authorities as prescribed by the New York State Public Health Law and Sanitary Code.

#### SECTION 5

##### **Feeding of Cats:**

This law prohibits the feeding of domestic cats outside the owners dwelling, unless the food is in a shelter where it cannot be penetrated by wild animals. Food or food vessels left outside for the purpose of feeding wild animals is strictly prohibited, with the exception of birds. Non-domestic cats are considered wild animals.

#### SECTION 6

##### **Dogs Running at Large:**

A. It shall be unlawful for an owner or person in possession of a dog to allow such dog to be upon the streets, sidewalks, or public lands unless properly restrained by an adequate collar and leash, and said dog must be accompanied by its owner or other responsible person.

B. It shall be the duty of the owner or the person harboring any female dog to confine such dog to the premises of such owner or person in possession of the dog when it is in heat.

#### SECTION 7

##### **Noisy, Annoying Animals:**

It shall be unlawful for a person to keep, harbor, or maintain any animal that engages in habitual loud howling or barking or to conduct itself in such a manner as to habitually disturb the comfort or repose of any person other than the owner of such animal, for periods longer than thirty (30) minutes.

## SECTION 8

### **Animals Causing Damage or Nuisance:**

No person who owns or harbors or has control of any animal, shall permit it to cause damage or destruction to property other than of such owner, or to commit a nuisance upon the premises of a person other than the owner.

## SECTION 9

### **Deposit of Fecal Matter on Private Property:**

A. It shall be unlawful to deposit any fecal matter on any private property, public roadway within the Village, gutter, sidewalk or other public area, or that portion of the front lawn owned by the Village and maintained by the homeowner as a front owner, without the consent of the owner of said area.

B. "Fecal matter" under this sub-section is defined as all feces, excrement, manure, dung or solid waste matter discharged by domesticated animals. Such soiling action is hereby declared to be a public nuisance.

C. Such soiling action shall be deemed prevented and not a violation of this Local Law if such person shall immediately clean up all such fecal matter and droppings by causing the same to be gathered in a suitable container and disposed in a safe and sanitary manner.

D. The provisions of this subsection shall not apply to guide dogs, hearing dogs, or service dogs accompanying any person with a disability as defined in Subdivision 21 of Section 292 of Executive Law.

## SECTION 10

### **Dangerous Animals:**

No person who owns or harbors any animal shall permit the same to bite or otherwise cause bodily harm to any other person or to permit such animal to chase or otherwise harass any other person so as to reasonably cause intimidation or apprehension of bodily harm or injury.

## SECTION 11

### **Complaints About the Conduct of Animals:**

A. Complaint by an Individual: Any person claiming a violation of this law may make a signed, written complaint to the Village Animal Control Officer, or any other Village Official. Such complaint shall specify the objectionable conduct of the animal, the date thereof, damage caused, description of the animal and the name and address of the owner or the person harboring such animal.

(1) Upon the receipt of a written, signed complaint the Animal Control Officer will notify the owner of the problem animal by registered letter. Failure to accept the letter does not void the notification.

(2) Failure to rectify the problem. If the problem is not rectified, the Animal Control

Officer will issue a ticket for appearance in front of the Town Justice.

(3) Complaint by Peace and Public Officers. By reasonable belief by a State or County Peace Officer, the animal Control Officer, or any other Village Officer that there has been a violation of this law, such Officer shall issue an appearance ticket requiring the owner or custodian of such animal to appear before a Town Justice to determine such issues. The Animal Control Officer as designated by the Village Board may enforce the provisions of this law and the New York State Agriculture and Markets Law.

## SECTION 12

### **Validity:**

If any section, sub-section, phrase, sentence, or portion of this local law is for any reason held invalid, or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

## SECTION 13

### **Previous Law Repealed:**

Local Law #3-1993 and Local Law#3-2004

## SECTION 14

### **Effective Date:**

This local law shall take effect immediately upon its filing with the Secretary of State.