

**TOWN OF CHENANGO
1529 NY RT. 12
BINGHAMTON, NY 13901**

TOWN OF CHENANGO DOG CONTROL LAW

**TOWN CLERK
648-4809 Ext. 3**

**DOG CONTROL OFFICER
727-6645**



**CODE OF THE TOWN OF CHENANGO, NEW YORK, v11 Updated 02-01-2012 /
PART II: GENERAL LEGISLATION / Chapter 32, DOGS AND OTHER ANIMALS**

Chapter 32, DOGS AND OTHER ANIMALS

[HISTORY: Adopted by the Town Board of the Town of Chenango as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Dog Control Officer -- See Ch. 11, Art. II.
Animals in parks -- See Ch. 50.

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ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN]**

ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN(1)]

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PART II: GENERAL LEGISLATION / Chapter 32, DOGS AND OTHER ANIMALS /
ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-1. Purpose.**

§ 32-1. Purpose.

The purpose of this article shall be to preserve the public peace and good order in the Town of Chenango and to contribute to the public welfare and good order of its people and prevent inhumane treatment of dogs by enforcing certain regulations and restrictions of the activities of dogs that are consistent with the rights and privileges of the owners of the dogs and the rights and privileges of other citizens of the Town of Chenango and prevent the abuse of dogs.

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PART II: GENERAL LEGISLATION / Chapter 32, DOGS AND OTHER ANIMALS /
ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-2. Title.**

§ 32-2. Title.

The title of this article shall be "Dog Control and Abuse Law of the Town of Chenango."

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PART II: GENERAL LEGISLATION / Chapter 32, DOGS AND OTHER ANIMALS /
ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-3. Definitions.**

§ 32-3. Definitions.

As used in this article, the following words shall have the following respective meanings:

DANGEROUS -- Any animal which, without just cause, bites, attacks or chases or snaps at or otherwise threatens to attack any person or attacks or wounds a dog or other domestic animal or which displays any other fierce, vicious or dangerous propensity.

DOG -- Male and female dogs, either singular or plural, both licensed and unlicensed.

DOG WARDEN -- Any person authorized by the Broome County Legislature or the Town Board of the Town of Chenango, from time to time, to enforce the provisions of this article or the provisions of the Agriculture and Markets Law of the State of New York.

OWNER -- Any person who is an owner of a dog or any person who keeps, feeds or harbors a dog for over one week, whether it be licensed or unlicensed. In the event that an owner of a dog shall be 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 said dog in violation of this article.

PUBLIC NUISANCE -- As applied to an animal shall describe, designate or apply to:

- A. Every animal which seriously and habitually disturbs the peace and quiet of the neighborhood by habitual loud barking or howling so as to unreasonably and habitually annoy any person other than the owner or person harboring the dog.
- B. Every animal which habitually chases any person or bicycle, automobile or other vehicle upon any public highway.
- C. Every animal which chases or otherwise harasses any person or animal in such a manner as might reasonably cause intimidation or put said person in reasonable apprehension of bodily harm or injury.
- D. Every animal which causes damage or destruction to the property on the premises, other than the owner or person harboring such animal.
- E. Every animal which is a dangerous animal as defined in the above definition of dangerous is

hereby declared to be a public nuisance unless securely confined as set forth in § 32-5 hereof.

RUN AT LARGE -- To be off the premises of its owner in a public place or on private land without the knowledge, consent and approval of the owner of such land, or is not accompanied by its owner or a responsible person able to control the dog by command.

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ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-4. Unlawful
acts.**

§ 32-4. Unlawful acts.

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

- A. Run at large in the Town of Chenango unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person able to control it by command if such dog be off the premises of its owner in a public place or on private land without the knowledge, consent and approval of the owner of such land; or
- B. Become a public nuisance in the following manner:
 - (1) Seriously and habitually disturb the peace and quiet of the neighborhood by habitual loud barking or howling so as to unreasonably and habitually annoy any person other than the owner or person harboring the dog.
 - (2) Habitually chases any person or bicycle, automobile or other vehicle upon any public highway.
 - (3) Chase or otherwise harass any person or animal in such a manner as might reasonably cause intimidation or put said person in reasonable apprehension of bodily harm or injury.
 - (4) Cause damage or destruction to the property on premises other than the owner or person harboring such animal.
 - (5) Be a dangerous animal as defined in § 32-3 unless securely confined as set forth in § 32-5 hereof.

**ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-5.
Confinement of dangerous dogs.**

§ 32-5. Confinement of dangerous dogs.

Every dog deemed to be dangerous shall be securely confined by leash or fence to the premises of the owner.

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ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-6.
Enforcement.**

§ 32-6. Enforcement.

This article shall be enforced by the County Dog Warden, by any peace officer or by a person having jurisdiction under the Agriculture and Markets Law.

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PART II: GENERAL LEGISLATION / Chapter 32, DOGS AND OTHER ANIMALS /
ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-7. Seizure of
dogs at large.**

§ 32-7. Seizure of dogs at large.

Any dog found running at large in violation of this article may be seized by any dog warden, peace officer or other designated representative of the Commissioner of Agriculture and Markets of the State of New York, and shall be impounded and disposed of in accordance with the provisions of Article 7 or other applicable provisions of the Agriculture and Markets Law.

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ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-8. Abuse of
dogs.**

§ 32-8. Abuse of dogs.

It shall be unlawful for any person in the Town of Chenango to torture, torment, poison, deprive

of necessary sustenance, unnecessarily or cruelly beat or otherwise abuse or inadequately care for or needlessly mutilate a dog. No person shall needlessly kill a dog, unless otherwise authorized by law. The aforesaid prohibitions shall not apply to persons acting in defense of self or another person or animal.

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ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-9. Complaints.**

§ 32-9. Complaints.

Any person who observes a dog which is a public nuisance or observes the abuse of a dog may file a complaint or information under oath against the owner or person harboring a dog which is dangerous or a public nuisance or a person which has abused a dog, setting forth the date thereof, a description of the dog and the name and residence of the owner or other person harboring the dog or responsible for his acts and facts describing the violation. Upon receipt by a Town Justice of any such complaint or information, the court may summon the person charged to appear before it and, upon failure of said person to appear, may issue a warrant for the arrest of said person.

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ARTICLE I, Dogs [Adopted 6-16-1975 by L.L. No. 1-1975EN] / § 32-10. Penalties
for offenses.**

§ 32-10. Penalties for offenses.

Conviction of the aforesaid complaint shall be deemed an offense and punishable by a fine not exceeding \$25 or imprisonment for a period not to exceed seven days, or both, for a first offense; by a fine not exceeding \$50 or imprisonment for a period not to exceed 10 days, or both, for a second offense; and by a fine not exceeding \$100 or imprisonment for a period not to exceed 14 days, or both, for a third or subsequent offense.

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PART II: GENERAL LEGISLATION / Chapter 32, DOGS AND OTHER ANIMALS /
ARTICLE II, Harboring of Animals [Adopted 6-20-1977 by L.L. No. 6-1977]**

ARTICLE II, Harboring of Animals [Adopted 6-20-1977 by L.L. No. 6-1977]

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PART II: GENERAL LEGISLATION / Chapter 32, DOGS AND OTHER ANIMALS /
ARTICLE II, Harboring of Animals [Adopted 6-20-1977 by L.L. No. 6-1977] /
§ 32-11. Definitions.**

§ 32-11. Definitions.

When used herein, the following terms shall have the following meanings:

ANIMALS -- Horses, mules, donkeys, monkeys, goats, fowl of all kind, swine, cattle, reptiles, snakes and insects.

ANIMAL HARBORING -- The keeping of more than three licensed dogs; three rabbits; four or more cats; or any horses, cattle, sheep, goats or other fur-bearing animals; or animals customarily kept in zoos; or the keeping of any animals for sale or hire. [Amended 4-15-1996 by L.L. No. 2-1996]

NUISANCE -- Any condition which would reasonably be expected to be offensive or objectionable to people on or using nearby properties or on the public right-of-way; and any condition generally within the common law definition of a "nuisance," public or private. Without limiting the foregoing in any way, the term "nuisance" shall be deemed to include any condition resulting in any one or more of the following:

- A. In the breeding of flies, mosquitoes, rodents or any other animals or insects, which bite and/or are commonly carriers of disease.
- B. The presence of obnoxious odors or substances on adjacent premises or the public rights-of-way.
- C. The entry of animals upon neighboring properties without the permission of the owner or occupant or upon the public right-of-way.
- D. Loud and obnoxious noises coming from any animals covered by this article, including but not limited to braying, whinnying, squealing and/or any other type noises expected of such animals that would disrupt the peace and quiet of the surrounding neighborhood.
- E. The destruction of property by any of the above-noted animals.

RESTRICTIVE COVENANT -- Any restriction affecting the keeping of animals which has been duly recorded in a deed or with deeds in the Broome County Clerk's office, so long as it remains in effect by its terms.

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§ 32-12. Applicability.**

§ 32-12. Applicability.

This article shall apply to any person, partnership, association, joint venture or corporation being the owner, lessee, licensee or occupant of any land affected within the Town of Chenango.

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ARTICLE II, Harboring of Animals [Adopted 6-20-1977 by L.L. No. 6-1977] /
§ 32-13. General standards. EN**

§ 32-13. General standards. EN⁽²⁾

- A. No animals as defined by this article shall be harbored or maintained without a special permit of the Zoning Board of Appeals.
- B. No more than two animals as defined by this article or three dogs maintained or harbored prior to the existence of the adoption of this article shall be maintained or harbored without a special permit from the Zoning Board of Appeals. [Amended 4-15-1996 by L.L. No. 2-1996]
- C. All animal food shall be kept under cover and in sealed containers.
- D. All animal waste shall be removed daily from the premises in tightly covered containers.
- E. The premises shall be maintained so as not to constitute a nuisance as defined by this article.

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§ 32-14. Existing uses.**

§ 32-14. Existing uses.

All uses in existence as of the adoption of this article shall comply with the general standards for the maintenance and harboring of animals as herein set forth, except § 32-17A.

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§ 32-15. Subsequent uses.**

§ 32-15. Subsequent uses.

All uses of property affected by this article and subsequent to its adoption shall be subject to a special permit by the Zoning Board of Appeals in addition to the general standards for the maintenance and harboring of animals as hereinafter set forth.

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§ 32-16. Cessation of use.**

§ 32-16. Cessation of use.

The cessation of the use of any property for a period of one month subsequent to the adoption of this article shall extinguish any preexisting use status and be subject to all the provisions required of a new use as set forth hereinabove.

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ARTICLE II, Harboring of Animals [Adopted 6-20-1977 by L.L. No. 6-1977] /
§ 32-17. Exceptions. EN [Amended 4-15-1996 by L.L. No. 2-1996]**

§ 32-17. Exceptions. EN⁽³⁾ [Amended 4-15-1996 by L.L. No. 2-1996]

- A. Agricultural districts. This article shall not apply to the keeping of animals in agricultural districts. However, this article does apply to animals which are kept within 100 feet of a residence which is located within a residential district and the keeping of more than three

dogs in dog kennels.

- B. Licensed veterinarians and animal hospitals. This article shall not apply to those licensed veterinarians or to hospitals run or supervised by licensed veterinarians.
- C. Nonconforming agricultural operations. Nonconforming agricultural operations, other than animals which are kept within 100 feet of a residence which is located within a residential district other than the keeping of dogs in a dog kennel.

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ARTICLE II, Harboring of Animals [Adopted 6-20-1977 by L.L. No. 6-1977] /
§ 32-18. Investigation, determination and notice.**

§ 32-18. Investigation, determination and notice.

- A. The Ordinance Administrator and/or any other Town official designated by the Town Board of the Town of Chenango may investigate the maintenance of any animal or animals on any premises other than those expressly excepted by this article. Whenever, after an inspection, he shall determine the maintenance or manner of maintenance of any animal or animals on any premises is contrary to law or is inhuman to any animals or is or will injure the appropriate use of neighboring property or constitutes or is becoming a nuisance, he shall prepare a written determination setting forth his findings in detail and ordering the person or persons owning or having custody or control over such animal or animals and/or the property where they are kept to take appropriate action as specified in the determination.
- B. Said determination shall be served in one of the ways set forth in the determination of service. A copy thereof shall be filed with the Town Clerk and the Supervisor, but the failure to so file shall not affect the legality of the service.
- C. At any time following the service of the determination or a supplemental determination, the Town Attorney may institute in the name of the Town any appropriate civil proceeding or action, including but not limited to an action for an injunction, together with a temporary restraining order to enforce the determination or supplemental determination.

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§ 32-19. Orders.**

§ 32-19. Orders.

Any determination may order or direct as follows:

- A. The cleaning up of animal wastes, animal food, other materials utilized in connection with the animals or coming into contact with animals and any enclosure or other areas in which animals are maintained, and the condition ordered cleaned up shall not be permitted to recur.
- B. The enclosure of specified animals in a manner adequate to prevent their entry upon neighboring property.
- C. The placing of any enclosure at such place or places as specified by the determination.
- D. The placing of refuse in tightly covered containers and its periodic removal.
- E. Ordering all animals removed from any premises if entry for inspection purposes is denied or if the Ordinance Administrator or other designated official is unduly hampered by the owners or occupants of the premises in carrying out this article.
- F. Such other action as is appropriate to abate any nuisance.

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§ 32-20. Restrictive covenants.**

§ 32-20. Restrictive covenants.

No animals shall be permitted upon any premises so as to violate any restrictive covenants. The existence or absence or termination or expiration of any such restrictive covenants shall in no way limit or affect enforcement of the other provisions hereof.

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§ 32-21. Penalties for offenses. [Amended 10-3-1995 by L.L. No. 2-1995]**

§ 32-21. Penalties for offenses. [Amended 10-3-1995 by L.L. No. 2-1995]

Any person committing an offense against any provision of this article shall, upon conviction

thereof, be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

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PART II: GENERAL LEGISLATION / Chapter 32, DOGS AND OTHER ANIMALS /
ARTICLE III, Dog License Fee [Adopted 12-19-1988 by L.L. No. 4-1988; amended
in its entirety 1-22-1990 by L.L. No. 4-1990]**

**ARTICLE III, Dog License Fee [Adopted 12-19-1988 by L.L. No. 4-1988; amended
in its entirety 1-22-1990 by L.L. No. 4-1990]**

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ARTICLE III, Dog License Fee [Adopted 12-19-1988 by L.L. No. 4-1988; amended
in its entirety 1-22-1990 by L.L. No. 4-1990] / § 32-22. Licensing and identification
fees. [Amended 11-17-2010 by L.L. No. 5-2010]**

§ 32-22. Licensing and identification fees. [Amended 11-17-2010 by L.L. No. 5-2010]

- A. Purpose. The purpose of this section is to establish the fees for the licensing and identification of dogs and the control and protection of the dog population.
- B. Authority. This section is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.
- C. License fees.
- (1) The annual license fee for each dog license issued by the Town of Chenango (hereinafter the Town), pursuant to Subdivision one of § 109 and § 110 of the Agriculture and Markets Law of the State of New York, shall be \$15 for each spayed or neutered dog and \$25 for each unspayed or unneutered dog, which fee includes an additional surcharge of at least \$1 for altered dogs and at least \$3 for unaltered dogs for the purpose of carrying out our animal population control efforts, which fee shall be submitted to the animal population control fund.
 - (2) Any dog license renewed that is delinquent on the 15th day of the month following the expiration date will be assessed a late fee of \$5. If the dog license remains delinquent

through the end of the month following the license expiration, an appearance ticket will be issued, and additional fines as prescribed in § 118 of the Agriculture and Markets Law of the State of New York will be charged by the Town of Chenango Court.

- (3) The Town of Chenango will not be issuing purebred or kennel licenses. All dogs will be licensed individually.
- D. Municipal license surcharge. In addition to the license fee imposed by Subsection C of this section:
- (1) Each applicant for a dog license, when such dog shall be identified as unlicensed during an enumeration of dogs living within the Town of Chenango, shall pay a surcharge of \$25 which shall be retained by the Town of Chenango and used to defray the cost of such enumeration.
 - (2) Each applicant for a replacement dog identification tag shall pay a surcharge of \$3 which shall be retained by the Town of Chenango and used to defray the cost associated with providing such replacement tag.
 - (3) The above-referenced fees may be changed from time to time by resolution duly enacted by the Town Board of the Town of Chenango.
- E. Exemption from licensing fees. Guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, police work dogs or therapy dogs must be licensed but shall be exempt from the requirement of paying a license fee.
- F. Penalties for offenses. Penalties for violation of this section shall be prescribed in § 118 of the Agriculture and Markets Law of the State of New York, as the same may be amended from time to time hereafter. Any fines or penalties imposed and bail forfeitures shall be the property of the Town of Chenango and used for the purposes allowed by § 119 of the Agriculture and Markets Law, as the same may be amended from time to time hereafter.

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in its entirety 1-22-1990 by L.L. No. 4-1990] / § 32-23. Purpose of fees.**

§ 32-23. Purpose of fees.

Such additional fees shall be the property of the Town of Chenango and shall be used only for controlling dogs and enforcing Article 7 of the Agriculture and Markets Law and any rule, regulation or local law or ordinance adopted pursuant thereto, including subsidizing the spaying

or neutering of dogs and facilities as authorized under § 117 of said Agriculture and Markets Law used therefor and subsidizing public education programs in responsible dog ownership.

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ARTICLE IV, Redemption Periods for Dogs in Custody of Front Street Dog Shelter
[Adopted 6-4-2001 by L.L. No. 2-2001]**

**ARTICLE IV, Redemption Periods for Dogs in Custody of Front Street Dog Shelter
[Adopted 6-4-2001 by L.L. No. 2-2001]**

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[Adopted 6-4-2001 by L.L. No. 2-2001] / § 32-24. Purpose.**

§ 32-24. Purpose.

The Town Board of the Town of Chenango, Broome County, New York (hereinafter the "Town"), hereby enacts this article pursuant to the provisions of Subdivision 8 of § 118 of the Agriculture and Markets Law of the State of New York.

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[Adopted 6-4-2001 by L.L. No. 2-2001] / § 32-25. Unidentified dogs.**

§ 32-25. Unidentified dogs.

Subdivision 4 of § 118 of the Agriculture and Markets Law is hereby amended and superseded in its application to the Town of Chenango to provide that each dog which is not identified, whether or not licensed, shall be held for a period of three days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of Article 7 of said Agriculture and Markets Law and that the owner pays the impoundment fees prescribed by Resolution 93-674 of the Broome County Legislature and as the same may be amended from time to time

hereafter.

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ARTICLE IV, Redemption Periods for Dogs in Custody of Front Street Dog Shelter
[Adopted 6-4-2001 by L.L. No. 2-2001] / § 32-26. Identified dogs.**

§ 32-26. Identified dogs.

Subdivision 6 of § 118 of the Agriculture and Markets Law is hereby amended and superseded in its application to the Town of Chenango to provide that, promptly upon seizure of any identified dog, the Town Dog Control Office shall notify the owner of record of such dog personally or by certified mail, return receipt requested, of the facts of such seizure, and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after the date of notice, during which period the dog may be redeemed by the owner. If such notification is made by certified mail, such dog shall be held for a period of seven days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed by Resolution 93-674 of the Broome County Legislature and as the same may be amended from time to time hereafter and by producing proof that the dog has been licensed.

Endnotes

1 (Popup - Popup)

Editor's Note: This local law also superseded former Ch. 32, Dogs, adopted 5-13-1958, as amended.

2 (Popup - Popup)

Editor's Note: Former § 32-13 was renumbered as § 32-17 pursuant to L.L. No. 2-1996, adopted 4-15-1996.

3 (Popup - Popup)

Editor's Note: Former § 32-17 was renumbered as § 32-13 pursuant to L.L. No. 2-1996, adopted 4-15-1996.