

**Chapter 42**

**DOGS AND OTHER ANIMALS**

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

ARTICLE I  
**Dog Control**  
**[Adopted 8-13-2002 by L.L. No. 1-2002<sup>1</sup>]**

**§ 42-1.    Purpose.**

The purpose of this article is to provide for the control of dogs that create a disturbance by their barking or howling for lengthy periods of time, causing annoyance and discomfort to any person in the Town of New Baltimore.

**§ 42-2.    Unlawful to keep dogs disturbing the peace.**

It shall be unlawful to own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Town of New Baltimore. Continuous barking, howling or the making of other loud noises by any dog for more than any one hour or continuous barking for periods of less than one hour but more than 1/2 hour, which periods occur on two or more consecutive days, shall be deemed to be a disturbance of the peace and a cause of annoyance and discomfort to persons in the Town of New

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<sup>1</sup> This local law also repealed former Article 1, Dog Control, adopted 8-14-1973, as amended.

Baltimore.

**§ 42-3. Notice of warning; determination of violation.**

- A. Any person may request in writing that the New Baltimore Animal Control Officer warn any person who shall own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of persons in the Town of New Baltimore.
- B. A warning by the Animal Control Officer shall consist of delivery of a copy of this article and a notice to the residence in the Town of New Baltimore of any such owner, keeper or custodian in person or by registered mail.
- C. Any such notice shall be in writing and shall identify and specify the residence of the owner, keeper or custodian of the dog or other animal.
- D. A violation of this article shall be deemed to have occurred upon a second or subsequent violation of § 42-2 above after the date of delivery of the written warning when the second one-hour disturbance or the second two one-half-hour disturbances take place within 30 days of the delivery of the written notice.

**§ 42-4. Female dogs in season.**

- A. Female dogs in season shall be adequately housed and controlled for a period of not less than 27 days.
- B. Housed or controlled methods shall be a completely enclosed (includes top) wire run with adequate housing for inclement weather, evening hours, etc.

**§ 42-5. Dogs to be under control.**

All dogs shall be leashed, fenced or under control of the owner or caretaker.

**§ 42-6. Security dogs.**

All security dog brought into the Town or now harbored must be

registered with the Town Clerk, who will in turn notify the Animal Control Officer. The purpose and intent of such dog shall be so stated.

**§ 42-7. Dogs found in territory where deer abound.**

All dogs found in a territory where deer abound, inhabit or run or gather shall be presumed to be at large and shall forthwith be picked up as such and placed in the pound. This will also be presumed a first offense.

**§ 42-8. Livestock killers.**

Any dog so identified as a livestock (rabbits, poultry, sheep, cattle, deer, etc.) molester or killer who has been penalized for one offense, on the second offense the fine shall be multiplied and the dog shall be restricted entirely to the owner's premises by a leash and on leash control at all times.

**§ 42-9. Subsequent offenses.**

A third offense by the same dog will mean the fine will be heavy, plus damages, and the dog shall be confiscated.

**§ 42-10. Malicious dogs.**

Any dog that is known to be malicious is to be kenneled or leashed on the owner's property. Proper warning shall be so posted on the owner's premises.

**§ 42-11. Dogs at places of business or public places.**

No dogs are to be allowed to gather or congregate at any place of business or where the public has access, such as stores, churches, schools or public meeting areas.

**§ 42-12. Night quarantine.**

A night quarantine shall be in effect from sunset to sunrise on all dogs. This is to prevent the aimless wandering of dogs after dark and from becoming a nuisance to pedestrians and motorists alike.

**§ 42-13. Chasing vehicles or horses.**

Any owner or harbinger of a dog that habitually chases or barks at bikes, motor vehicles, horses, motorcycles, etc., shall be held fully responsible for the action of such dog. The animal will be subject to seizure if the owner does not properly control same.

**§ 42-14. Seizure and confinement; liability for expenses.**

Any dog seized by the Animal Control Officer shall be confined by said officer for a minimum period of three days. If after three days the owner or harbinger fails to recognize his or her responsibility, the animal shall be removed to the pound, the owner to be liable for all expenses incurred.

**§ 42-15. Abandoning domesticated animals.**

Any person who abandons or drops any domesticated animal within the Town of New Baltimore shall be subject to a fine of not less than \$50 nor more than \$150.

**§ 42-15.1. Enforcement officer; registration of complaints.**

- A. The Animal Control Officer appointed by the Town Board of the Town of New Baltimore shall be empowered to carry out the contents of this article in conjunction with the Town Justice of said Town.
- B. All complainants shall be sure of the offender before registering a complaint; proof of a violation shall consist of a witness in the form of a neighbor, the Animal Control Officer himself or herself, camera or any such means that will positively identify the offender.

**§ 42-15.2. Violations and penalties.**

Any person violating any provision, or knowingly permits the violation of this article or any of the provisions thereof shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$600, plus costs of prosecution, or to imprisonment in the county jail for not more than 30 days, or both. Each day's continuance of violation shall constitute a separate offense.

ARTICLE II  
**Animals Running at Large**  
**[Adopted 7-13-1982 by L.L. No. 1-1982]**

**§ 42-16. Statement of intent.**

The Town Board of the Town of New Baltimore recognizes that the failure to properly confine livestock so that said livestock trespasses upon the public or private highways or lands without permission is injurious to the health, safety and welfare of the residents of the Town of New Baltimore.

**§ 42-17. Definitions.**

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

ANIMALS — Horses, cattle, swine, sheep, goats, mules, fowl, and similar livestock.

HIGHWAY — Any road of any kind, whether public or private.

OWNER — Any person claiming or having title or any interest in any animals, and shall also mean any person having any animals under his/her control, whether as bailee or other agent of the actual owner.

PERSON — Individuals, corporations, partnerships, unincorporated associations or other entities. The use of the singular shall include the plural, and vice versa.

**§ 42-18. Confinement required.**

Every owner shall keep animals confined securely and safely upon the owner's own or leased lands by adequate fencing or other lawful restraints, and shall not allow such animals to roam unattended on public or private lands or highways.

**§ 42-19. Presumption.**

If any animals are found unattended on public or private highways, or upon public or private lands other than lands owned or leased by the owner, it shall be presumed that the owner failed to confine or restrain such animals in a proper manner as specified herein. The burden of proving proper confinement or restraint shall be upon the owner of such animals.

**§ 42-20. Seizure.**

Any agent or officer of the Town may lawfully take possession of any animals found unattended on any public or private highway or upon any public or private lands after the owner has been notified by any reasonable means and has failed within a reasonable time to properly restrain such animals, and/or after using due diligence to notify such owner for the purpose of having the owner restrain such animals and said animals remain unattended and constitute a threat to the health, safety and welfare of the residents of the Town of New Baltimore.

**§ 42-21. Disposition of seized animals.**

At the discretion of the agent or officer of the Town, said animals, upon seizure, shall be transported to a Society for the Prevention of Cruelty to Animals and/or placed in the custody of an approved livestock auction house and/or placed in the custody of an approved caretaker. Within 24 hours of such seizure, said agent or officer shall send written notice by registered mail, return receipt requested, to the owner that such animals are in custody and that such animals shall be sold at auction or otherwise disposed of with any proceeds thereof used to pay all costs in connection with the seizure, transporting, care, custody and sale thereof unless the owner has claimed his/her animals and pays all charges in connection therewith within 10 days of the date of said notice.

**§ 42-21.1. Damage to property. [Added 7-12-1994 by L.L. No. 1-1994]**

If any domestic animal, as defined in this article, enters upon any public or private property and destroys or damages any bars, gates and/or fence or any part thereof, or defaces or damages any vehicle, building, lawn, shrub, tree, plant, crop, ornamental fixture or appurtenances to the land, the owner or person harboring the domestic animal, as defined in this article, shall pay for all damages incurred.

**§ 42-22. Penalties for offenses.**

Each violation shall be deemed an offense against this article, punishable by a fine not to exceed \$250 or imprisonment not to exceed 15 days, or both.

ARTICLE III  
**Removal of Dog Feces from Public Areas**  
**[Adopted 9-10-2007 by L.L. No. 7-2007]**

**§ 42-23. Removal required.**

It shall be the duty of each dog owner or person having possession, custody or control of a dog to remove any feces left by his or her dog in any Town park, or on any street or other public area.

**§ 42-24. Enforcement.**

The provisions of this article shall be enforced by the Animal Control Officer, Code Enforcement Officer, any law enforcement official with peace officer status, or any other Town agent or employee hereafter designated by the Town Board for that purpose.

**§ 42-25. Penalties for offenses.**

Each violation shall be deemed an offense against this article, punishable by a fine not to exceed \$250.