

**Chapter 16**

**ANIMALS**

**ARTICLE I**

**Dogs**

**§ 16-1. Title.**

**§ 16-2. Statutory authority.**

**§ 16-3. Purpose.**

**§ 16-4. Definitions.**

**§ 16-5. Running at large prohibited.**

**§ 16-6. Nuisances.**

**§ 16-7. Dangerous dogs.**

**§ 16-8. Complaint of violation; appearance ticket; seizure; fees.**

**§ 16-9. Abandonment, neglect and abuse.**

**§ 16-10. Penalties for offenses.**

**§ 16-11. Severability.**

**ARTICLE II**

**Animals**

**§ 16-12. Abandonment, neglect and abuse.**

**ARTICLE I**  
**Dogs**

**§ 16-1. Title.**

This Article shall be known and cited as the “Dog Control Law of the Town of Canton, New York,” and shall be numbered Chapter 16, Article I.

**§ 16-2. Statutory authority.**

This Article is enacted pursuant to the provisions of § 7 and § 126 of the Agriculture and Markets Law of the State of New York.

**§ 16-3. Purpose.**

The purpose of this Article is to protect the health, safety and well-being of persons and property and to preserve the public peace and good order in the town by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of other residents of the town.

**§ 16-4. Definitions.**

When used in this Article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

DOG - Includes any dog of either sex and of any age, unless otherwise indicated herein.

DOG WARDEN - The person appointed by the Town Board of the Town of Canton to assist in the enforcement of this Article. Every dog seized by the “Dog Warden” shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Markets Law of the State of New York.

OWNER - The party purchasing the license for the dog. If the dog is not licensed, the term “owner” shall be construed to include any person who at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept, brought or comes within the Town. In the event that the owner of any dog which is found to be in violation of this Article is 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.

**RUN AT LARGE** - A dog shall be deemed to be "running at large" if it is elsewhere than on the premises of the owner while not under the control of the owner or his agent and without the knowledge, consent or approval of the owner of such lands.

**UNDER CONTROL** - A dog shall be deemed to be "under control" when it is under either voice command or a suitable restraining device designed for that purpose.

**§ 16-5. Running at large prohibited.**

No dog shall be knowingly allowed to run at large within the Town of Canton.

**§ 16-6. Nuisances.**

No person being the owner or the agent of the owner of any dog shall knowingly allow such dog to commit any nuisance within the Town of Canton or cause damage to the person or property of others. The following are declared to be public nuisances and are set forth herein for explanatory purposes only and are not to be considered as excluding other types of nuisances, and the establishment of the fact that the owner of a dog has allowed or permitted such dog to commit any of the acts hereinafter prohibited shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine or control said dog:

- A. Engaging in loud howling or persistent barking, crying or whining or so conducting itself in such a manner as to unreasonably and persistently disturb the comfort or repose of any person other than the owner of such dog.
- B. Chasing and/or barking at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harbinger of said dog.
- C. Jumping upon, chasing or otherwise harassing any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- D. Running together in a pack or in any way forming a pack of dogs. For the

purpose of this Article, the word Apack@ is hereby defined to mean three (3) or more dogs.

- E. Defecating, urinating, digging on or otherwise damaging public property other than the property of said owner.
- F. No unspayed female dog in heat shall be knowingly allowed to be outside a building or a fenced in area.

#### **§ 16-7. Dangerous dogs.**

Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of said Agriculture and Markets Law.

#### **§ 16-8. Complaint of violation; appearance ticket; seizure; fees.**

- A. Any person who observes or has knowledge of a dog violating any provision of this Article may file or register a verbal complaint to the Dog Warden specifying the objectionable conduct of the dog, the date thereof, the description of the dog and the name and address, if known, of the owner or other person harboring said dog.
- B. Upon receipt by the Dog Warden of any such complaint or in the event that any dog is found by the Dog Warden to be in violation of any provision of this Article, the Dog Warden may seize and take into custody said dog and may issue and deliver to the owner of said dog an appearance ticket pursuant to § 126 of the Agriculture and Markets Law of the State of New York, detailing the violations and instructing the owner to appear before the Justice Court of the Town of Canton or to answer such appearance ticket by registered or certified mail, return receipt requested, within five (5) days of the date of such violation. If said appearance ticket is disregarded by such person, the Dog Warden or complainant may file an information with said Court, which Court shall then issue a warrant for the arrest of such person.
- C. In the event that any dog has been seized or taken into custody by the Dog Warden, its owner shall be required to pay to the Town Clerk the prevailing contractual rate charged by the boarding facility designated by the town plus a fee of 15% of that rate, to cover Town expenses.

**§ 16-9. Abandonment, neglect and abuse.**

Abandonment, neglect or abuse of any dog is punishable under New York State Agriculture and Markets Law Article 7.

**§ 16-10. Penalties for offenses.**

Upon conviction, a violation of any of the provisions or restrictions of this Article shall be punishable by a fine not exceeding twenty-five dollars (\$25.) for a first violation, fifty dollars (\$50.) for a second violation and one hundred dollars (\$100.) for each subsequent violation.

**§ 16-11. Severability.**

Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**ARTICLE II  
Animals****§ 16-12. Abandonment, neglect and abuse.**

Abandonment, neglect or abuse of any animal is punishable under New York State Agriculture and Markets Law Article 126.