

DOG ORDINANCE

Be it hereby enacted by the Town of Kiantone, New York, Chautauqua County as follows:

Section 1 Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

OWNER. The term "owner" shall mean any person owning, keeping, harboring or having the care, custody or control of any dog, and when any such owner shall be a child under the age of sixteen years, the head of the household in which such child resides shall be deemed to be the owner of such dog for all purposes of this ordinance.

AT LARGE. The term "at large" shall mean off the premises of the owner.

PITT BULL TERRIER. The term "pit bull terrier" as used herein is hereby defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

Section 2 Regulations and restrictions generally.

No person who owns or has control of a dog shall permit or suffer such dog to damage or destroy property of any kind of another person, to attack or bite any person peaceably conducting himself in any place where such person may lawfully be, or to attack, chase, injure or kill any animal or dog or cat of another person, when such animal is in any place where it may lawfully be; for the purposes hereof, when any dog is at large and commits any of such acts, the owner or person in control shall be deemed to have permitted or suffered the dog to have committed such acts.

No person shall keep, suffer or permit to be kept on the premises of the owner or person having control of such dog any dog which by its continual barking, howling or whining or other frequent or long-continued noise, shall unreasonably disturb the comfort or repose of any other person. No person who owns a dog shall permit the premises, structure or enclosure in which such dog is kept to be unclean or unsanitary.

Section 3 Special regulations relating to dogs of the breed of pit bull terrier.

No owner of a dog known as a pit bull terrier as such is defined by Section 1 of this ordinance shall leave such dog unattended in any place in or out of any building except that such dog may be on the premises or property of such owner provided that such dog when out-of-doors on the premises or property of such

owner is confined within a fenced yard with a fence no less than six (6) feet in height and adequate to prevent said dog from leaving the yard and further provided that a warning sign has been placed in a clearly visible location at the premises or property of the owner, located so that it can be seen by any person before entering the place to which such dog has access, warning that a dog of the breed of pit bull terrier is present on the premises. Such dog when out-of-doors on the premises or property of such owner shall, in addition to being confined to a fenced yard as herein provided, be secured by a chain of sufficient strength so as to prohibit such dog from being less than three (3) feet from such fence at any point within said fenced yard. For purposes of this section, a dog that is unattended shall be deemed to mean a dog that is not leashed by a leash not exceeding eight (8) feet in length and which is not then and there under the custody and control of the owner or other competent person accompanying said dog. The sign required by this section shall be at least three (3) feet in length by three (3) feet in height.

Section 4 Seizure, redemption and disposition of dogs.

The animal control officer, or any police officer, shall seize any dog found to be in violation of this ordinance or in violation of the provisions of Article 7 of the Agriculture and Markets Law of this state and such dog shall be impounded, redeemed, euthanized, or sold as provided in Section 118 of the Agriculture and Markets Law of this state, and the owner of such dog shall pay the costs of seizure and impoundment as provided therein.

Section 5 Confinement of dog attacking person or animal; determination of rabies; disposition.

The owner of any dog which has attacked, or injured another person or animal contrary to the provisions of this ordinance, shall confine such dog for such length of time as may be directed by the animal control officer for the purpose of determining whether such dog is affected by rabies, and if so affected, such dog shall be destroyed under the direction of the animal control officer.

Section 6 Confinement of dangerous dog to owner's premises.

The owner of any dog which has injured another person or animal as provided herein shall not thereafter permit such dog to be at any place other than on the premises of the owner unless such dog is securely fitted with a properly fitting muzzle of a type which shall not permit such dog to bite another person or animal.

Section 7 Penalties for violation of ordinance.

Any violation of this ordinance shall be deemed an offense punishable by a fine not exceeding fifty dollars (\$50.00) or confinement in jail not exceeding five (5) days or by both such fine and imprisonment except that any violation of

Section 3 of this ordinance shall be deemed a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) or confinement in jail not exceeding one (1) year or by both such fine and imprisonment. Each separate offense or misdemeanor as the case may be shall constitute a separate violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the Agriculture and Markets Law of the State of New York.

Section 8 Enforcement.

The animal control officer shall be authorized to issue such process as is necessary to bring violators before the court upon being satisfied that the person to whom such process is issued is in fact the person chargeable with the violation.

BY ORDER OF THE KIANTONE TOWN BOARD

Adopted November 5, 1987

Effective November 26, 1987