

**LOCAL LAW #1-2004: Regulating the Keeping and Running of At-large Dogs and Fixing of Local Dog License and Impoundment Fees**

**Article I  
Dog Control**

**§1. Purpose.**

The Town of Delaware, New York finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this article is to protect the health, safety and well being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

**§2. Authority.**

This article is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law.

**§3. Definitions.**

- (a) "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this local law shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).
- (b) "Harbor" means to provide food or shelter to any dog.
- (c) "At Large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (a) accompanied by and under the immediate supervision and control of the owner or other responsible person; (b) a police work dog in used for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

**§4. Restrictions.**

It shall be unlawful for any owner of any dog or any person harboring any dog to permit or allow such dog, in the Business District (B-1) in Kohlertown, the Callicoon Business District (CAL-B-1), the Residential District (R-1) or in the Callicoon Residential District (CAL-R-1) of the Town of Delaware, as such districts are defined in the Town of Delaware Zoning Law and the Zoning Map adopted pursuant thereto, to:

- (a) be at large;
- (b) engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person;
- (c) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog;
- (d) chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury;
- (e) habitually chase, run alongside of or bark at motor vehicles or bicycles; or
- (f) defecate upon public sidewalks or upon public streets unless leashed and provided that such owner immediately removes the defecation from the sidewalk or street and disposes of the same in a public trash receptacle or the owner's own trash receptacle.

**§5. Enforcement.**

This article shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Delaware.

**§6. Seizure, Impoundment, Redemption and Adoption.**

- (a) Any dog found in violation of the provisions of Section 4 of this article may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- (b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.
- (c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article.
- (d) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this section whether or not such owner chooses to redeem his or her dog.

- (e) Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

**§7. Complaint.**

Any person who observes a dog in violation of this article may file a complaint under oath with a justice of the Town of Delaware specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this article.

**§8. Appearance Ticket**

Any dog control officer or peace officer, when acting pursuant to his special duties, or any police officer in the employ of or under contract to the Town of Delaware observing a violation of this article in his presence, shall issue and serve an appearance ticket for such violation.

**§9. Penalties.**

Any person convicted of a violation of this article shall be deemed to have committed a violation and shall be subject to a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not exceeding 30 days.

**Article II  
Local License and Impoundment Fees**

**§10. Authority.**

This article is enacted pursuant to the provisions of Subdivision 4(a) of Section 110 and Subdivision 4 of Section 118 of Article 7 of the Agriculture and Markets Law.

**§11. Additional Local License Fees.**

In addition to the annual fee charged pursuant to Subdivisions 1 and 2 of Section 110 of Article 7 of the Agriculture and Markets Law for each dog license issued, there shall be a local fee of \$3.00.

**§12. Impoundment Fees.**

In place and stead of the impoundment fees provided for in paragraphs (a), (b) and (c) of Subdivision 4 of Section 118 of Article 7 of the Agriculture and Markets Law, an impoundment fee in the sum of \$10.00 for each day or part thereof shall be required to be paid with respect to dogs seized in the Town of Delaware.

**Article III  
Miscellaneous**

**§13. Title.**

The title of this local law shall be “The Local Dog Control and Fee Law of the Town of Delaware.”

**§14. Repealer.**

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Delaware, including but not limited to the “Dog Control Local Law of the Town of Delaware,” enacted as Local Law No. 6 of the year 1999, and they shall be, upon the effective date of this local law, null and void.

**§15. Effect of invalidity.**

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby intended to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

**§16. Effective date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State.

**LOCAL LAW #2-2004: FIXING SEWER RENTS FOR SEWER DISTRICT #1 AND SEWER DISTRICT #2 FOR THE YEAR 2005:**

**SECTION I**

**Purpose**

This Local Law is adopted pursuant to the provisions of Article 14-F of the General Municipal Law and Section VI (C) of the Sewer Rent Law of the Town of Delaware, New York (Local Law No. 2 of 1997), in order to fix and determine the per unit rates to be charged for the year 2005 in Sewer District No. 1 and Sewer District No. 2 of the Town of Delaware.

**SECTION II**

**Sewer Rent Rates for the Year 2005**

A. The following rates shall be charged in the Town of Delaware Sewer District No. 1 during the year 2005 for sewer rent:

Operation and Maintenance	\$429.64
Capital	<u>\$ 43.68</u>
Total	\$473.32

B. The following rates shall be charged in the Town of Delaware Sewer District No. 2 during the year 2005 for sewer rent:

Operation and Maintenance	\$296.14
Capital	<u>\$ 65.91</u>
Total	\$362.05

**SECTION III**

**Effect of Invalidity**

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provision not be included.

**SECTION IV**

**Effective Date**

This local law shall take effect immediately upon filing in the office of the Secretary of State.

