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Chapter 53: DOGS

[HISTORY: Adopted by the Town Board of the Town of Wilton 9-2-1999. *Editor's Note: This ordinance superseded former Ch. 53, Dogs, adopted 3-11-1985, as amended.* Amendments noted where applicable.]

§ 53-1. Definitions.

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

ATTACK — As used in § 53-11, any physical assault, including mauling, biting or tearing.

CONTROL — Physical control over the dog as to not allow the dog to run free and keeping the dog in close proximity to the accompanying person.

DOG — Both male and female canines as it applies to this chapter.

IDENTIFIED — Any dog carrying an identification tag as provided in § 112, Article 7, New York State Agriculture and Markets Law.

OWNER — Shall include any person(s), company or corporation harboring or keeping a dog, or a parent/guardian or other adult person with whom a minor dog owner resides.

§ 53-2. Running at large prohibited; leash required.

No dog shall run at large within the territorial limits of the Town of Wilton. A dog shall be deemed at large if elsewhere than on the premises of the owner, not accompanied by the owner or his agent having said dog under control at all times. All dogs shall be leashed when off the owner's premises. Said leash shall be constructed in such a way that the dog is physically restrained and in total control by the accompanying person.

§ 53-3. Prohibition of dogs in Town parks.

No dogs shall be allowed within the confines of any Town park. This includes, but is not limited to, Gavin Park. This section shall not apply to Seeing Eye dogs when the dogs are performing the functions for which they were trained, nor to dogs aiding or assisting disabled persons, nor to dogs actively engaged in police work.

§ 53-4. Impoundment.

Any dog in violation of any ordinance relating to the keeping and control of dogs may be apprehended and impounded as provided by § 118, Subdivision 2, of Article 7, New York State Agriculture and Markets Law.

§ 53-5. Nuisance or barking dogs prohibited.

No dog shall engage in prolonged, constant or habitual barking or conduct itself in such a way as to disturb the peace and quiet of the surrounding area in a manner as to annoy any person(s) other than the owner or person(s) harboring such dog.

§ 53-6. Identification of dogs required.

Any dog which is not identified and which is not on the owner's premises may be apprehended and impounded as provided by § 118, Subdivision 1, Subparagraph (a), of Article 7, New York State Agriculture and Markets Law.

§ 53-7. Unlicensed dogs prohibited.

Any dog which is not licensed, whether on or off the owner's premises, may be apprehended and impounded as provided by § 118, Subdivision 1, Subparagraph (b), of Article 7, New York State Agriculture and Markets Law.

§ 53-8. Defecating on property owned or maintained by Town prohibited.

No dog(s) shall be allowed to defecate on property owned or maintained by the Town of Wilton, and any such person who owns or is in charge of any dog which defecates upon property owned or maintained by the Town of Wilton shall immediately remove said waste to a sealed, leakproof container and dispose of said waste within the confines of the dog owner's premises or other suitable disposal site. Property owned or maintained by the Town of Wilton shall include, but is not limited to, Town roadways, shoulders and rights-of-way of said roadways, parks and public buildings.

§ 53-9. Defecating on private property within Town prohibited.

No dog(s) shall be allowed to defecate on private property in the Town of Wilton unless said owner of the property gives permission for the deposit of said waste on said property. Any owner or person who is in charge of any dog which defecates upon private property without the permission of the property owner shall remove said waste immediately to a sealed leakproof container and dispose of said waste within the confines of the dog owner's premises or other suitable disposal site.

§ 53-10. Exemptions for certain dogs.

Sections 53-8 and 53-9 shall not apply to a blind person with a guide dog or otherwise disabled person with a dog trained to assist them, nor shall these sections apply to dogs actively engaged in police work.

§ 53-11. Uncontrolled or dangerous dogs.

No person(s), company or corporation who owns, harbors or has custody of any dog shall cause or permit such dog to attack, unprovoked, any person or domestic animal at any time.

§ 53-12. Local fee.

This chapter shall designate a local fee of \$3 for licensing of dogs within the Town of Wilton in addition to the fees imposed by the New York State Department of Agriculture and Markets. Persons 65 years of age or older shall be exempt from this local fee as provided in Article 7 of the New York State Agriculture and Markets Law.

§ 53-13. Enforcement; penalties for offenses.

- A. This chapter, as adopted by the Town of Wilton, relating to the keeping and control of dogs, and provisions of Article 7, § 119, Subdivision 1, of the New York State Agriculture and Markets Law relating to the keeping and licensing of dogs, shall be enforced pursuant to the New York State Penal Law.
- B. Violations shall be punishable by a fine or imprisonment as follows:
 - (1) For a first offense, a minimum fine of \$35 (not to exceed \$60).
 - (2) Where there have been prior offenses within the last five years, a minimum fine of \$60 (not to exceed \$100) and/or imprisonment of not more than 15 days, or both.
 - (3) Where there have been two or more offenses of any section of this chapter or any provision of § 119, Subdivision 1, of the New York State Agriculture and Markets Law within the preceding five years, a minimum fine of \$100 (not to exceed \$150) or imprisonment of not more than 15 days, or both.
 - (4) Where it has been determined that an uncontrolled dog or dangerous dog violation has occurred, a minimum fine of not less than \$50 (not to exceed \$250) or imprisonment of not more than 15 days, or both.