

Chapter 81 ANIMALS

ARTICLE I Dog Control

§ 81-1. Purpose.

§ 81-2. Definitions.

§ 81-3. Restrictions.

§ 81-4. Enforcement.

§ 81-5. Warning; appearance ticket.

§ 81-6. Complaint.

§ 81-7. Restraint or confinement of dogs
after warning.

§ 81-8. Penalties for offenses.

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

ARTICLE I Dog Control

[Adopted 5-10-1993 by L.L. No. 1-1993]

§ 81-1. Purpose.

The Town of Grafton finds that uncontrolled behavior of dogs has caused physical harm to persons, livestock and pets and has created nuisances within the town. The purposes of this article are to protect the health, safety and well-being of persons and property in the town by imposing restrictions, regulations and responsibilities upon dog owners whose dogs are unlicensed, unvaccinated, at large or creating a nuisance in the town; and to authorize the town to enforce compliance with these restrictions against dog owners who fail to meet their responsibilities.

§ 81-2. Definitions.

The following terms shall have the meanings indicated:

AT LARGE — Any dog that is unleashed on property open to the public or is not confined or suitably restrained on private premises not the property of the owner. No dog shall be deemed to be at large if it is accompanied by and under the immediate supervision and control of the owner or other responsible person.

HARBOR or KEEP — To provide food or shelter to any dog.

OWNER — Any person who harbors or keeps any dog. In the event that any dog found in violation of this article shall be owned by a person under 18 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.

§ 81-3. Restrictions.

It shall be unlawful for the owner of a dog to permit or allow such dog in the Town of Grafton:

- A. To be unlicensed and/or not vaccinated against rabies.
- B. To be at large.
- C. While on public or private premises, not the property of the owner of such dog, to chase, jump at or otherwise harass any person in such a manner as to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- D. To damage or destroy private property or to commit a nuisance upon the premises of any person not the owner of such dog. The dog owner shall be held financially responsible for any damages so caused.
- E. To attack or cause injury to any household pet or farm animal when said animal is not at large.
- F. To engage in persistent loud howling or continuous barking so as to create an unreasonable public disturbance.

§ 81-4. Enforcement.¹

This article shall be enforced solely by the Dog Control Officer of the Town of Grafton or by his designated deputy. Either person shall have the power to seize and restrain any dog which he has reasonable cause to believe is violating the restrictions of this article in accordance with Agriculture and Markets Law § 118. Notification of dog owners shall be as provided in said section.

§ 81-5. Warning; appearance ticket.

The Dog Control Officer or his designated deputy, having reasonable cause to believe a person has violated this article, shall on the first instance of such violation issue a warning to such person and upon any subsequent violation shall issue and serve upon such person an appearance ticket in Town Court for such violation.

§ 81-6. 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 Grafton specifying the nature of the violation, the date thereof, a description of the dog and the name and address of the owner of such dog, if known. Such complaint may serve as the basis for enforcing the provisions of this article.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 81-7. Restraint or confinement of dogs after warning.

Any person warned according to § 81-5 of this article shall immediately cease and desist from permitting or allowing the offending conduct alleged and shall take all steps reasonably necessary to comply with this article.

§ 81-8. Penalties for offenses.

Any person convicted of a violation of this article shall be liable for a civil penalty not exceeding \$50 for the first violation and not exceeding \$100 for each subsequent violation, in addition to any damages proven pursuant to § 81-3D.