

At a Regular Meeting of the Common Council of the City of
Plattsburgh, New York, held March 25, 1976

PRESENT: Mayor St. Pierre, Aldermen Burke, Stewart, Haley, Blumette
Griffin and Poitras.

ABSENT:

By Alderman Burke ; seconded by Alderman Stewart
LOCAL LAW NO. 2 OF 1976

AN ACT RESTRAINING RUNNING AT LARGE OF DOGS, IN THE
CITY OF PLATTSBURGH, NEW YORK AND GENERALLY REGULATING
DOG OWNERS' RESPONSIBILITIES

BE IT ENACTED by the Mayor and Common Council of the City
of Plattsburgh, New York as follows:

SECTION 1: It shall be unlawful for any owner of, or
any person harboring any dog in the City of Plattsburgh, New York
to permit or allow such dog to:

(a) run at large unless said dog is
restrained by an adequate collar and leash or unless ac-
companied by its owner or responsible person able to control
the animal.

(b) engage in habitual loud howling or
barking or to conduct itself in such manner so as to habitually
annoy any person other than the owner or person harboring such
dog.

(c) cause damage or destruction to
property or commit a nuisance upon the premises of a person
other than the owner or person harboring such dog.

(d) chase or otherwise harass any person
in such a manner as reasonably to cause intimidation or to
put such person in a reasonable apprehension of bodily harm
or injury.

(e) habitually chase or bark at motor
vehicles.

(f) to run at large, howl or bark in
the vicinity of any hospital or nursing home or sanitorium
in the City of Plattsburgh in such a manner as to disturb or
annoy the patients in such hospital, nursing home or
sanitorium.

SECTION 2: It shall be unlawful for the owner or
person harboring any female dog to permit such dog to run at
large when in heat and such dog shall be confined to the premises
of such person during such period.

SECTION 3: A dog warden, a police officer, or a peace
officer having reasonable cause to believe that a violation of this
local law has been committed in his presence shall issue and serve

an appearance ticket for such violation. The appearance ticket shall be in the form set forth at the end of this Section. An answer to such appearance ticket shall be made within five (5) days of the violation, by registered or certified mail, return receipt requested, in lieu of a personal appearance upon the return date at the time Court specified in the appearance ticket, in accordance with the provisions of Section 126 of the Agricultural and Markets Law and this local law.

APPEARANCE TICKET
City of Plattsburgh

TO: (Name)
(Street Address)
(Town, City, State)

YOU ARE HEREBY NOTIFIED to appear personally in the City Court of the City of Plattsburgh, New York located at City Hall in the City of Plattsburgh, New York on the _____ day of _____, 19____, at _____ o'clock in the fore/after noon to answer a charge of _____ in violation of Section _____ (specify name of charge) _____ of Local Law 2 of _____ Subdivision _____ of the City of Plattsburgh, New York an offense.
UPON YOUR FAILURE TO APPEAR AS ABOVE DIRECTED A WARRANT MAY BE ISSUED FOR YOUR ARREST.
Issued this _____ day of _____, 19____.

Name of Issuer Title

TO PLEAD GUILTY:

1. Complete form below.
2. See fine schedule below to determine amount of your fine.
3. Mail your certified check or money order in the appropriate amount payable to City Court; City of Plattsburgh, New York to the office specified on the ticket within 5 days of the alleged violation by registered or certified mail, return receipt requested together with the appearance ticket, DO NOT SEND CASH!

FINE SCHEDULE: First Offense Not less than \$10.00 or more than \$25.00
Second Offense - Not less than \$20.00 or more than \$50.00
All subsequent offenses - Not less than \$30.00 or more than \$75.00

TO: CITY COURT, CITY OF PLATTSBURGH, NEW YORK

I, _____, residing at _____, have been charged with the offense specified on the attached appearance ticket. I waive arraignment in open court and the aid of Counsel. I plead guilty to the offense as charged and elect and request that this charge be disposed of and fine or penalty fixed by the Court.

I make the following statement of explanation (optional) _____

APPLICANTS UNDER 18 MUST COMPLETE THE FOLLOWING:

Name of Parent or Guardian

Address of Parent or Guardian

All statements are made under penalty of perjury:

Date _____ Signed _____

TO PLEAD NOT GUILTY:

1. Complete form below.
2. Send your not guilty plea together with the above appearance ticket and a certified check or money order for \$15.00 as security payable to City Court; City of Plattsburgh, New York to the address specified on the ticket within 5 days of the alleged violation by registered or certified mail, return receipt requested. DO NOT SEND CASH!
3. The Court will thereafter advise you by return mail of the new date for your trial. Your failure to appear will forfeit your \$15.00 security and a summons or warrant of arrest may be issued pursuant to the Criminal Procedure Law.

TO: City Court: City of Plattsburgh, New York

I, _____, residing at _____,
plead not guilty to the offense charged.

APPLICANTS UNDER 18 MUST COMPLETE THE FOLLOWING

Name of Parent or Guardian

Address of Parent or Guardian

All statements are made under penalty of perjury:

Date _____ Signed _____

SECTION 4: Any person who observes a dog causing damage or destruction to property of a person other than its owner, or committing a nuisance upon the premises of a person other than its owner, may file a signed complaint, under oath, with the City Judge of the City of Plattsburgh, New York specifying the objectional conduct of the dog, the date thereof, the damage caused, the description of the dog and name and residence, if known, of the owner or other person harboring said dog.

SECTION 5: Upon receipt by the City Judge of any complaint against the conduct of any particular dog, the City Judge may summons the alleged owner or other person harboring said dog to appear in person before him; if the summons is disregarded, the City Judge may permit the filing of information and issue a warrant for the arrest of such person.

SECTION 6: Any person who violates this law or knowingly permits the violation of this law or of any of the provisions thereof, shall be deemed to have committed an offense against this law and any person convicted of any such violation after investigation and hearing, shall be liable to a penalty of not less than \$10.00 nor more than \$25.00 for the first violation; not less than \$20.00 nor more than \$50.00 for the second violation; and not less than \$30.00 nor more than \$75.00 for each subsequent violation.

SECTION 7: The fact that a dog is at large in the City of Plattsburgh, New York elsewhere than on the premises of the owner, shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.

SECTION 8: Unrestrained dogs or dogs at large may be taken by a police officer, a dog warden, or a peace officer and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than three (3) days unless reclaimed by their owners. If, by a license tag or other means, the owner can be identified, the owner shall, immediately upon impoundment of the dog, be notified by telephone or mail of the impoundment of the dog. Dogs not claimed by their owners within three (3) days shall be humanely disposed of by the person in charge of the animal shelter or by an agency delegated by him to exercise that authority.

SECTION 9: An owner reclaiming an impounded dog shall pay a fee of \$2.00 if the dog was validly licensed and \$5.00 if the dog was not validly licensed and in addition thereto pay the charges of the animal shelter for the impoundment of the dog. The fees imposed by this Section shall be in addition to the penalties imposed by Section 6.

SECTION 10: Notwithstanding, the provisions of Section 9, if a dog is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such case, the police officer, dog warden or peace officer may also proceed against the owner for violation of this law.

SECTION 11: Laws Repealed. All other provisions and special acts or local laws including Chapter 269 of the Laws of 1902 known as the City Charter and of the Administrative Code of the City of Plattsburgh as amended by various local laws, rules and regulations inconsistent with the provisions of this act, are hereby superseded.

On roll call, Alderman Burke, Stewart, Haley, Blumette, Griffin and Poitras voted in the affirmative; no one in the negative; CARRIED.

Certified to the Mayor this 1st day of April 19 76.


CITY CLERK

The foregoing local law is hereby approved after public hearing held this 1st day of April 19 76.


MAYOR