

Chapter 55, DOGS AND OTHER ANIMALS

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

GENERAL REFERENCES

Parks -- See Ch. 84.

ARTICLE I

Dog Licensing and Impoundment

[Adopted 9-10-1979]

§ 55-1. License fees. [Amended 1-22-1990 by L.L. No. 1-1990]

The annual fee for dog licenses and purebred licenses issued pursuant to § 110 of the Agriculture and Markets Law shall be as set forth from time to time by the Town Board by ordinance.

§ 55-2. Dog Control Officer.

The Town Board shall appoint one Dog Control Officer, whose salary shall be determined by the Town Board and whose duties and authority are described in §§ 114 and 115 of the Agriculture and Markets Law. The Dog Control Officer's hours shall be 9:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

§ 55-3. Impoundment fees.

A. The following fees and costs are established for impoundment of dogs under § 118 of the Agriculture and Markets Law: [Amended 12-13-1999]

- (1) For the first impoundment of any dog owned by a person or entity: \$25.
- (2) For the second impoundment of any dog owned by the same person or entity within one year of the first impoundment: \$35.
- (3) An additional \$10 for each and every additional impoundment within one year of a prior impoundment of any dog owned by the same person or entity so that the total fine for the impoundment of dogs owned by the same person or entity during any one-year period would be \$25 for the first impoundment, \$35 for the second impoundment, \$45 for the third impoundment, \$55 for the fourth impoundment and so on.

(4) In addition to the fines described herein, the owner of any impounded dog will be required to pay \$15 for each 24 hours or part thereof said dog is impounded.
[Amended 8-11-2003]

B. Said owner shall pay all impoundment fees to the Town Clerk and shall produce a receipt for such payment to the Dog Control Officer before such dog shall be released to said owner, in addition to any licensing fees where such are required under the Agriculture and Markets Law.

§ 55-4. Veterinary care for impounded dogs. [Added 4-28-1980]

Each dog seized or impounded by the Dog Control Officer of the Town of Aurora under the authority of the State Agriculture and Markets Law that requires veterinary treatment for either injuries or sickness shall receive such veterinary care when such care is necessary in the judgment of the Dog Control Officer.

§ 55-5. Responsibility of owner for veterinary costs. [Added 4-28-1980]

The owner of such dog shall pay for said veterinary fees in addition to the impoundment fees upon redemption of the dog or, if said dog is deceased, not later than 30 days after said veterinary care is rendered and the owner notified in writing of such amount.

§ 55-6. Recovery of costs. [Added 4-28-1980]

If such amount is not paid within 30 days after notification, the Town shall proceed to collect the amount in a civil action in the Town of Aurora Justice Court.

ARTICLE II, Dangerous Dogs [Adopted 1-25-1988]

§ 55-7. Definitions.

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

AT LARGE -- Off the premises of the owner.

DANGEROUS DOG:

A. Any dog that, without provocation, approaches in a threatening or terrorizing manner any person, in apparent

attitude of attack, upon the streets, sidewalks or any public grounds;

- B. Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- C. Any dog that bites, inflicts injury, assaults or otherwise attacks a human being or other domestic animal without provocation; or
- D. Any dog that has been declared to be a "dangerous dog" after a hearing provided for in this article.

DOG -- Both male and female dogs.

OWNER -- 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 16 years, the head of the household in which such child resides shall be deemed to be "owner" of such dog for all purposes of this article.

§ 55-8. Restricted acts.

- A. 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 domestic animal or dog or cat of another person when such animal is in any place where it may lawfully be. For the purpose hereof, when any dog is at large contrary to the provisions of this Article 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.
- B. 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.
- C. No person who owns a dog shall permit the premises, structures or enclosure in which such dog is kept to be unclean or unsanitary.

§ 55-9. Determination of status as dangerous dog.

In the event that the Dog Control Officer or the law enforcement officer has probable cause to believe that a dog is dangerous, the Dog Control Officer or law enforcement officer may proceed under Article 7 of the Agriculture and Markets Law of the State of New York for a determination by the Justice Court of the Town of Aurora. If the Court shall find such dog to be a dangerous dog under the Agriculture and Markets Law or under this Article, the Court may impose such restrictions on said dog as are provided for in the Agriculture and Markets Law or as are provided under this Article.

§ 55-10. Seizure, impoundment and disposition.

The Animal Control Officer or any police officer shall seize any dog found to be in violation of this Article 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 § 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.

§ 55-11. Confinement for rabies determination.

The owner of any dog which has attacked or injured another person or animal contrary to the provisions of this Article 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.

§ 55-12. Confinement of dangerous dogs.

The owner of any dog which has attacked or injured another person or animal or has been determined to be a dangerous dog 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.

§ 55-13. Penalties for offenses.

Any violation of this Article shall be deemed an offense punishable by a fine not exceeding fifty dollars (\$50.) or confinement in jail not exceeding five (5) days, 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.

§ 55-14. Enforcement.

The Chief of Police is hereby charged with the duty of enforcing this Article and the police officers and Dog Control Officer shall be authorized to issue such process as is necessary to bring violations before the Court upon being satisfied that the person to whom such process is issued is in fact the person chargeable with the violation.

§ 55-15. Insurance.

The owner or keeper of a dangerous dog shall present to the Town Clerk proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.) covering the twelve-month period during which licensing is sought. This policy shall contain a provision requiring the Town of Aurora to be named as an additional insured for the sole purpose of the Town of Aurora to be notified by the insurance company of any cancellation, termination or expiration of the policy.

ARTICLE III, Pastoral Animals [Adopted 3-26-1990]

§ 55-16. Trespassing on private property.

No owner of any horse, cow, pig, hog, goat, lamb or other pastoral animal shall recklessly or knowingly permit such pastoral animal to be upon any private property other than the premises of the owner without the consent of the owner or tenant of said private property.

§ 55-17. Supervision and control.

No owner of any horse, cow, pig, hog, goat, lamb or other pastoral animal shall recklessly or knowingly permit any such pastoral animal to be outside of the boundary lines of said owner's property unless the same shall be subject to the control and supervision of said owner or his agent or employee or a member of his family.

§ 55-18. Penalties for offenses.

Any person violating the provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding twenty-five dollars (\$25.) for the first offense, a fine not exceeding fifty dollars (\$50.) for the second offense and a fine not exceeding one hundred dollars (\$100.) for the third and each subsequent offense.

ARTICLE IV, Dogs at Large [Adopted 3-14-2005 by L.L. No. 1-2005]

§ 55-19. Legislative intent.

This article shall amend Chapter 55 of the Aurora Town Code to make it a restricted act for a person owning or harboring a dog, whether licensed or not, to permit said dog to run at large within the Town of Aurora, outside the municipal boundaries of the Village of East Aurora, unless said dog is restrained by a chain or leash not exceeding six feet in length.

§ 55-20. Purpose.

The Town Board believes it is appropriate, and in the best interest of the Town of Aurora, to restrain dogs from running at large within the Town. Restricting dogs from running at large within the Town will protect and enhance the safety of the residents of the Town of Aurora.

§ 55-21. Definitions.

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

AT LARGE -- Any dog that is not on a leash or chain, not to exceed six feet in length, 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 at large if it is:

- A. A guide dog actually leading a blind person, or a dog being trained as a guide dog;
- B. A hearing dog actually aiding a deaf person, or a dog being trained to assist a deaf person;
- C. A police dog in use for police work, or a dog being trained as a police dog;
- D. Accompanied by its owner or other responsible person and is actually engaged in hunting, or training for hunting, on land with the permission of the owner of the land.

§ 55-22. Running at large restricted; when effective.

- A. The Town Board of the Town of Aurora hereby enacts this article to make it a restricted act under the

Aurora Town Code to permit a dog to run at large within the Town of Aurora.

- B. The restriction of dogs running at large within the Town shall go into effect after the effective date of this article, as set forth.