

## Chapter 47

### DOGS AND OTHER ANIMALS

#### ARTICLE I Dog Control

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain as indicated in article histories. Amendments noted where applicable.]

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#### ARTICLE I

#### Dog Control

[Adopted 7-8-2024 by L.L. No. 3-2024]

##### § 47-1. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

**AT LARGE** — An unleashed dog off the premises of the owner or off the premises of another person with such other person's consent and approval.

##### **DANGEROUS DOG**

##### A. Any dog which:

- (1) Without justification, attacks a person, companion animal or farm animal (as defined in § 350 of Article 26 of the Agriculture and Markets Law) or domestic animal, and causes physical injury or death; or
- (2) Behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals; or
- (3) Without justification, attacks a service dog, guide dog or hearing dog and causes physical injury or death.

B. Does not include a police work dog, which acts in the manner described in this subsection while such a police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

**LEASHED or RESTRAINED BY A LEASH** — The dog is equipped with a collar to which is attached a leash not more than six feet long. Both the collar and leash shall be of sufficient

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1. Editor's Note: This local law amended in its entirety Art. I, Dog Control, adopted 3-12-1984 as L.L. No. 1-1984, as amended 9-11-1989 as L.L. No. 3-1989.

strength to restrain the dog and leash shall be held by a person having the ability to control and restrain the dog by means of the collar and leash.

**OWNER** — Any person who owns, keeps, harbors or has the care, custody and control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of household where the minor resides. Any person harboring a dog for three days prior to any violation of this article shall be presumed to be the "owner" of said dog.

**TETHERING** — The practice of fastening a dog to a stationery object and leaving them unattended.

**WEATHER ALERT** — A National Weather Service watch, warning, or advisory issued by local, state or federal authority for potential hazardous weather of concern, including but not limited to flood, heat advisory, frigid weather, snow or ice storm, tornados, tropical storm, high winds or thunderstorms.

**§ 47-2. Vicious or barking dogs; female dogs in heat; running at large.**

- A. No person or owner shall suffer to run at large in the Village of Champlain any dog of ferocious or dangerous character or disposition, nor shall any person keep or harbor any dog that is accustomed to bit or snap at passing persons or vehicles.
- B. No person or owner shall keep or harbor any dog that is accustomed to howl or bark in such a way as to annoy any person or persons other than the owner.
- C. Any person keeping, harboring or having the care, custody and/or control of any female dog, whether licensed or unlicensed, shall confine said female dog, when in heat, on the premises of the person owning, keeping, harboring or having the care, custody and/or control of said female dog during said period.
- D. No dog, whether licensed or unlicensed, shall be allowed to run at large in any street, sidewalk, lane or public place unless said dog is effectively restrained by a leash not exceeding six feet in length, affixed to the collar or harness of the dog held by a person of sufficient strength and ability to adequately restrain the dog, or alternatively, unless said dog is in the immediate custody and control of the owner or responsible person who is over 12 years of age.

**§ 47-3. Prohibited acts.**

The owner of a dog shall not permit the dog, even though leashed, to do any of the following acts:

- A. Damage or deface property not belonging to the owner of the dog.
- B. Deposit waste or commit a nuisance on Village property or on the private property or party other than that of the owner of the dog.

**§ 47-4. Seizure of dogs; redemption.**

- A. Any dog found running at large in violation of this article may be seized pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time, by any dog control officer of the Village or any peace officer or by a dog control officer in the employ of the Village or under contract with the Village.
- B. Any dog so seized may be held subject to redemption by the owner, all pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time.
- C. The owner of the seized dog may redeem the dog upon payment to the dog control officer contracted by the Village of the sum as required and within the time as required by the Agriculture and Markets Law, as amended from time to time.

**§ 47-5. Penalties for offenses.**

- A. Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be subject to a fine as established by the Town of Champlain Dog Law.
- B. In addition to the fines above provided, any Magistrate or Town Justice may also, if the circumstances, in his discretion, so warrant it, direct:
  - (1) The permanent confinement of a dangerous dog by the owner thereof.
  - (2) The killing of such dangerous dog pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time. The owner, possessor or harbinger of any dog destroyed under the provisions of this subsection, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of the dog.

**§ 47-6. Tethering.**

- A. Tethering regulations:
  - (1) The tether must be attached to the dog with a properly fitted buckle type collar or a body harness not normally susceptible to being severed by the dog through chewing and will not cause trauma or injury to the dog. Choke collars and pinch collars may not be used.
  - (2) The length of the tether shall not be less than 10 feet or five times the length of the dog's body.
- B. Prohibitions. It shall be unlawful for any person, owner, agent or responsible person to tether, leash, fasten, secure, restrain, chain, confine or tie a dog to any stationery object outdoors or cause such dog to be confined in a manner that:
  - (1) Restricts such dog's access to suitable and sufficient food and water;
  - (2) Does not provide such dog with shelter appropriate to its breed, physical condition, size and the climate as defined by § 353-b of the New York State Agriculture and Markets Law;

- (3) Unreasonably limits the movement of such dog because it is too short for the dog to move around or for the dog to urinate or defecate in a separate area from the area in which it must eat, drink or lie down;
  - (4) Denies such dog the opportunity to exercise and engage in normal social interactions on a regular basis.
  - (5) No dog shall be tethered or restrained to a fixed point for a period of time in excess of four continuous hours or eight hours of cumulative hours during any twenty-four-hour period.
- C. Extreme weather conditions. No dog shall be left outdoors during extreme weather conditions such as snow or ice storms, thunderstorms or during extreme cold or heat or during a weather alert.
- D. Penalties. A violation of any of the provisions of the tethering section shall, for a first offense, be punishable by a fine of up to \$250 and an educational component at the judge's discretion. For a second offense, the fine shall be \$500. For a third or subsequent offense, the fine shall be \$1,000 plus the surrender of the dog, if ordered by the court, and costs of investigation and prosecution, not to exceed \$2,000.