

TOWN OF BRISTOL

ONTARIO COUNTY, NEW YORK

DOG NUISANCE - LOCAL LAW 2002

SECTION 1. Title And Purpose.

This Local Law of the Town of Bristol, Ontario County, New York (the "Town"), shall be known as the "Dog Nuisance Law".

The purpose and intent of this Local Law shall be to preserve the public peace and good order in the Town of Bristol and to contribute to the public welfare and the preservation and protection of the property and residents of the Town by declaring and enforcing certain regulations and restrictions on activities of dogs and owners of dogs within the Town of Bristol which supplement and complement the regulations and restrictions heretofore enacted by the Legislature of the State of New York.

SECTION 2. Definitions.

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

Owner. Includes any person who owns, keeps, harbors or has the care, custody or control of a dog(s). Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household acting in loco parentis where the minor resides, as well as in the custody and control of the minor.

Minor. Person under 18 years of age, unless emancipated.

Town. The Town of Bristol.

SECTION 3. Restrictions.

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

- (a) Howl or bark habitually, continuously or regularly for periods in excess of one hour so as to disturb the peace, quiet, health, or well-being of other persons.
- (b) Roam freely alone or with others off the real property of the owner in a manner which does injure, harass or threaten other persons or domestic animals.

SECTION 4. Nuisances.

It shall be unlawful to permit an accumulation of dog feces on a property which results in a hazard to health or that makes travelers or residents in the vicinity uncomfortable due to odor and/or other harmful condition, or which attracts flies or other insects or animals, thereby creating in the judgment of the New York State Department of Health, the Town Health Officer and/or Board of Health, or such other qualified agency or agent as may in advance be designated to exercise such judgment by the Town, an unsanitary condition to which may facilitate the

spread of disease and endanger health, or which render soil water or food impure or unwholesome, or which endangers public comfort and repose.

SECTION 5. Filing of Complaints by Citizens.

- (a) A proceeding pursuant to this Local Law may only be commenced by the filing of a complaint which must be submitted in writing and shall include the name, address and telephone number of the complainant, as well as the address of the dog's owner and a description of the objectionable conduct or condition.
- (b) Upon receiving a written complaint, the Town Clerk shall facilitate and encourage resolution of the issues by attempting to cause discussions and/or meetings between and among the parties. Upon failure of resolution, the Town Clerk shall transfer the matter within thirty (30) days to the Bristol Code Enforcement Officer.
- (c) Upon receiving a written complaint, the Bristol Code Enforcement Officer shall cause the following to be performed:
 - (1) Issue notice of the objectionable conduct or condition to the dog owner or custodian of the dog.
 - (2) Notice shall adequately describe the facts of the complaint and provide a copy of this Local Law to assist the dog owner in recognizing and correcting the problem.
 - (3) Notice shall include a statement that:
 - (a) The alleged objectionable conduct or condition must be corrected within thirty (30) days of the date of notice after which an enforcement proceeding may, in the discretion of the Town Clerk and/or Town Attorney, be commenced in Town Court by the Town Clerk, or
 - (b) The owner may seek to have the dispute mediated through the offices of the Town Attorney or such other person or persons as shall be designated from time to time by the Town Board; or,
 - (c) The owner may dispute the existence of the alleged objectionable conduct or condition in writing within said thirty (30) day period or not respond in any manner within said time period, in which instance an enforcement proceeding may, at the discretion of the Town Clerk and/or Town Attorney, be commenced in Town Court by the Town Clerk.

SECTION 6. Penalties for Offenses.

- (a) The Town Justice of the Town may fine or imprison any owner who is convicted of any violation of this Local Law.
- (b) Any person convicted of a violation of this Local Law shall be punished by a fine not to exceed \$250.00, or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment. A second or subsequent conviction shall be subject to a fine

not to exceed \$500.00, and by imprisonment for a term not to exceed fifteen (15) days. Each week of continued violation shall be deemed to be a separate violation.

SECTION 7. Severability.

The section, paragraphs, sentences, clauses and phrases of this Local Law are severable and, if Sections 3 or 4, or their subsections, shall be declared invalid, the remainder of the Local Law shall not be affected thereby and shall remain in full force and effect.

SECTION 8. Effective Date.

This Local Law shall take effect immediately upon compliance with the laws of the State of New York regarding filing and publication.

11/2002