

## Whose Dog Is It Anyway?

“It’s outrageous! First he hits my dog with his car, leaves me with a stack of vet bills and now he is suing me! I can’t believe it. I want this guy to pay my vet bills. How could this possibly be? After all, he was the one who hit my dog with his car!”

“My dog got out, the dog control officer picked him up and now the animal shelter wants me to prove it’s my dog!” It’s ridiculous! I want my friend to pick him up because I have to work but the animal shelter won’t give him to my friend. I have to actually go there and take the time off of work to do it. I think the dog control officer should go get my dog and bring him back to me. After all, he was picked up only a block away from my house. I know he would have come back on his own. He always does.”

“My stupid neighbor is complaining about my dog barking. What can I do? Am I supposed to quit my job and stay home with the dog?” After all, dogs bark. That’s just the way it is.”

“I got a ticket for my dog running loose. I’m certainly not running down to the courthouse for a ticket for a dog. I’ve got better things to do. I’ve got a family; kids and I’ve got a job. Now I’ve got a fine to pay and I wasn’t even in court to defend myself. It’s ridiculous. I’m not going to pay it. After all, what can they do about it?”

Every dog control officer everywhere, gets similar laments from dog owners who seem to forget that with dog ownership comes responsibility. State and local law determines what the owner’s responsibilities are, much to the surprise of many dog owners.

Dog owners are responsible for the actions and welfare of their own dog at all times. The dog owner is responsible for damage caused by his dog while it is running loose including such damage that may be sustained by a motor vehicle that may hit the dog while it is not under the control of its owner. The driver of the car is required to report the accident to authorities. He is not responsible for injury caused to the dog. An insurance agency will prosecute a dog owner for both property and personal injury caused by a dog running loose.

Municipalities have arrangements with a holding facility as well as a dog control officer. State law requires that a stray dog, taken to the town’s holding facility (kennel), be released only to the owner, and to no other person, during the 5 day period designated by law. After the 5-day holding period the kennel may offer the dog for adoption to another person. Adoptions have to be conducted according to State Law and the dog must be spayed, neutered and licensed. The dog control officer in NY State cannot return an unlicensed dog to anybody, including the owner.

Most municipalities have laws about barking dogs. Excessive barking and/or barking at unreasonable hours are covered under both the municipality’s dog control law and the

noise ordinance. A dog that is barking and disturbing the peace of the neighborhood is the responsibility of the owner.

Most municipalities have a law that restricts dogs to the owner's own property unless the dog is under the owner's direct control. Owners walking dogs on leads must clean up after their dogs.

Tickets are written either by the police or the dog control officer. Tickets written for dog control violations are handled by the court in a manner that is similar to a traffic ticket. The dog owner must appear in court. If the owner does not appear, the proceeding can take place in his absence. Fines may be levied and, in some instances, the dog owner may be found in contempt of court, which may result in additional fines and penalties. Subsequent violations may result in escalating fines.

*For questions call the Catherine Crawmer, Animal Control Officer: 477-8230*