

# **DOG FECES, REMOVAL OF**

## **Local Law No. 1 of the Year 1997**

### **A Local Law Requiring the Removal of Dog Feces from Town Property and Private Property Within the Town of Kirkwood**

**Adopted February 4, 1977**

(Amended May 4, 2004 by LL No. 14-2004 by including Town Property)

Be it enacted by the Town Board of the Town of Kirkwood as follows:

Section 1. Any person owning, harboring, walking or in charge of a dog who allows the dog to defecate on Town property, or on any private property without the permission of the property owner, shall remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container which closes. The bag or closed container shall then be deposited in a receptacle for the disposal of refuse.

Section 2. The provisions of this section shall not apply to blind persons using dogs as guides.

Section 3. The Dog Control Officer of the Town of Kirkwood or other designee of the Town Board who observes a violation of this section is hereby authorized to issue an appearance ticket setting forth a brief description of the circumstances of the violation.

Section 4. Any person who observes a violation of this section may appear before the Town Justice of the Town of Kirkwood and sign an Information (criminal complaint). The Town Justice shall summon the person who allegedly violated this section of the local law to appear in person before him at a hearing, at which both the complainant and the alleged violator shall have an opportunity to be represented by counsel and to present evidence.

Section 5. Should any section, paragraph, sentence, clause or phrase of this local law be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of this law shall not be affected thereby.

Section 6. All ordinances, local rules and regulations inconsistent herewith are hereby repealed.

Section 7. This local law shall take effect immediately.

Section 8. A. A violation of this local law is an offense, punishable as follows:

1. For conviction of a first offense: A fine not exceeding twenty five dollars.
2. For conviction of a second offense both of which were committed within a period of six months: A fine not exceeding fifty dollars.
3. For conviction of a third or subsequent offense, all of which were committed within a period of six months: A fine not exceeding one hundred dollars.

B. A first violation shall be deemed to have occurred from the date of written notification of violation issued by the Dog Control Officer or Enforcement Officer or from such date as may be designated in such written notice.

(Section 8 added May 4, 2004 by LL No. 14-2004)