



# ***Tompkins County SPCA***

Animal Control Division

## **Dog Related Conflicts**

If you are experiencing conflicts with a dog, this fact sheet is intended to explain generally what your rights and responsibilities are to see that the situation has an appropriate outcome. It also outlines SPCA services and answers frequently asked questions.\*

**W**e encourage you, although you are not required, to first talk to the dog's owner about the problems you are experiencing. In many situations, this is all that is needed. Too often, people call the SPCA for enforcement without first having spoken to their neighbors. As a general rule, we find that trying to work it out amicably often yields the quickest and best results.

### **TC SPCA Animal Control Services**

**Fact Sheets.** The SPCA has literature on how to keep a dog from barking, responsible dog ownership, and even training dogs that exhibit aggression. Most of these are available on our website at [www.SPCAonline.com](http://www.SPCAonline.com).

**Talk to Owners.** In many cases after a complaint is lodged at the SPCA, an animal control officer will talk to the owner of a dog who is creating conflicts. The officer must be provided the address where the dog lives in order for this to occur. The SPCA can ask the owner to confine the dog, explain the dog control ordinance for that specific town, and even provide information on community mediation services. You may remain anonymous.

**Two Party Tickets.** The SPCA will only talk to the owner one time about a particular dog. If the owner refuses to correct the problem that is in violation of that town's dog control laws, the complaining party (you) will be asked to sign tickets. The complaint

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\* Please keep in mind that no fact sheet or summary can address every nuance of the law, every situation, or cover all information about a particular issue. You are encouraged to contact an attorney or other professional for a more detailed review of your rights and responsibilities. The SPCA will not assume any liability for reliance on the enclosed information. It is up to you, as a citizen and party to any action, to fully inform yourself.

cannot be anonymous and as they were not present when the offense occurred, SPCA officers cannot sign the tickets instead of you. The SPCA will deliver the tickets to the owner and to the court. At this point, a judge will address the situation. You may be called to testify at a hearing. The SPCA does not track court cases or how the case is resolved. Once tickets are filed with the court, the judge makes all decisions regarding the dog. You may contact the court to inquire about the status of the case.

**Dog Bite Complaints.** If a dog has attacked you (this does not have to include a bite), you have several different choices in how this matter can be handled. You may ask the animal control officers to talk to the owners (if the owner has not already been warned in the past), you may sign a ticket for the dog harassing a person (a violation), or you may sign a dangerous dog complaint. Other than a “talk to owner,” the SPCA cannot sign the tickets for you and the complaint cannot be anonymous. The SPCA will deliver the tickets to the owner and to the court. At this point, a judge will address the situation. You may be called to testify at a hearing. If the judge declares the dog dangerous, the law requires and allows the court to do only one of two things: 1. Order the dog confined; or 2. Order the dog destroyed. Once tickets are filed with the court, the judge makes all decisions regarding the dog. You may contact the court to inquire about the status of the case.

**Emergency Dog Complaints.** If the dog is a stray dog who is attacking you, your pets, or your property, the SPCA will pick the dog up 24 hours a day, seven days a week.

**Stray Dog Pickup.** During regular business hours (9 am to 5 pm, Monday through Saturday), the SPCA will impound stray dogs not on their property.

## **Other Community Services**

In some cases, there may be other avenues for you to consider. For example, the Tompkins County Community Dispute Resolution Center has mediation and other services available. They can be reached at 273-9347. The Tompkins County Health Department has jurisdiction over rabies issues and some dog bite issues as well. They can be reached at 274-6688. If your property has been damaged or destroyed, you may be entitled to compensation either in small claims court or another legal forum. You may want to seek the advice of an attorney. The SPCA cannot advise you on these matters.

## **Most Frequently Asked Questions**

*Can you talk to the owner again if he/she doesn't control their dog?* The SPCA will talk to the owner about a particular problem or a particular dog one time as a courtesy. If the owner does not change his or her conduct or continues to allow the dog to disturb others, the next step is for the complainant to sign tickets.

## FAQs, Cont'd....

*Can I sign tickets and remain anonymous? Why can't the SPCA prosecute the dog's owner without my having to appear in court?* The law does not allow "hearsay" testimony. Since the officers did not witness the conduct, they are not permitted to testify. Since you are the complainant and you witnessed the conduct, the law requires that you file the complaint and testify at any hearing. In addition, the Constitution entitles an accused to face and cross-examine his/her accusers.

*Can I sign multiple tickets?* Each offense and each different day may allow you to sign another ticket, but the SPCA will not allow itself to get dragged into neighbor disputes not associated with dog control enforcement, will not allow itself to be used as an instrument of harassment of neighbors, and may refer you to the court for further action.

*Can't the SPCA force the person to leash his dog?* The SPCA can talk to the owner, can deliver tickets you sign, and can deliver a dangerous dog complaint. The SPCA can tell dog owners what the law requires and even impound a stray dog not on their property in a town with a general leash law, but as a general rule, only a judge can order someone to confine their dog.

*Can't the SPCA just take the person's dog?* In most cases, no. Pets are considered property, and the Constitution does not allow anyone to be deprived of their property without due process of law. Depending on the circumstances, this generally requires a judge to either sign a seizure warrant or hold a hearing where you may be called to testify.

*My neighbor's dog was on my property at night and I called the SPCA emergency pager but no one responded. Why?* The emergency pager is for stray animal emergencies only. An emergency is an injured or vicious dog. A stray dog running on your property does not constitute an emergency.

Sharing one's life with a dog is an uplifting and rewarding experience for many. It is unfortunate when the result is neighborhood strife. Assuming all parties are reasonable in their expectations, that's the last thing anyone wants. For more information on SPCA services, you may telephone the SPCA at 257-1822 and ask to speak to an Animal Control Officer. Officers are available Monday through Saturday from 9:00 am to 5:00 pm for such inquiries.