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"TOWN OF STEPHENTOWN LOCAL LAW, NO. 1 OF 2017, "DOG CONTROL &
LICENSURE LAW"

Section 1. Purpose. The Town of Stephentown hereby determines that the public order, safety, and welfare of the Town of Stephentown requires the reasonable regulation of the manner in which dogs are kept, kenneled, and/or allowed to run at large within the Town of Stephentown. Further, the purpose of this Local Law is to provide for the licensing and identification of dogs as the Town Board finds that such licensure relates to the control and protection of the dog population and the protection of persons, property and domestic animals from dog attack and damage.

Section 2. Authority. This local law shall be known as the Dog Control Law of the Town of Stephentown and is enacted pursuant to the provisions of Articles 7 and 26 of the Agriculture and Markets Law 353 and the Municipal Home Rule Law of the State of New York.

Section 3. Definitions. As used in this Local Law, the following words are intended to include and be defined as follows:

3.01. "Owner" means any person who harbors or keeps any dog. In the event that any dog found in violation of this Local Law shall be owned by a person under the age of eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of household in which said person resides).

3.02. "Harbor" means to provide food or shelter to any dog. 3.03. "At large" means any dog that is unleashed and is: (a) on property open to the public; or (b) is on private property not owned by the owner of the dog; or (c) is on private property without the permission of the owner of such private property.

3.04. "Kennel" means to harbor four (4) or more dogs required to be each licensed pursuant to the Agriculture and Markets Law of the State of New York.

Section 4. Violations. The following are violations of this Local law:

4.01. No owner of a dog shall permit or allow a dog to be at large. No dog shall be deemed to be at large if it is: (a) accompanied by and under the direct supervision and control of the owner or other responsible person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the consent and permission of the owner of the land;

4.02. No owner of a dog shall permit or allow a dog to engage in habitual loud howling, barking, crying, or whining or to unreasonably and habitually annoy any person;

4.03. No owner of a dog shall permit or allow a dog to cause damage or destruction to property, or to commit a nuisance by defecating or urinating upon premises of another person without the consent of such person;

4.04. No owner of a dog shall permit or allow a dog at large to chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable expectation of bodily harm or injury;

4.05. No owner of a dog shall permit or allow a dog to habitually chase, run along side of, or bark at motor vehicles or bicycles;

4.06. No owner of a kennel shall house, maintain, keep, or allow a dog to be within fifty (50) feet of any property line, unless such owner shall have the written consent from all

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affected abutting property owners at the time of the establishment of the kennel within fifty (50) feet of said property line. Such consents may be filed with the Town Clerk.

4.07. No owner of a kennel shall house, maintain or keep dogs, unless such dogs are confined to a building or fully enclosed structure designed to reduce noise from the dogs, during such period of time: (a) when the dog and/or dogs are not under the immediate supervision and control of the owner; or (b) when the dog and/or dogs are in a fenced run or walkway between the hours of 8:00 a.m. and 6:00 p.m., provided that such run or walkway is screened by trees, shrub, or solid fencing designed to reduce noise from the dogs and screen the run or walkway from an abutting property.

Section 5. Enforcement. This Local law may be enforced by the Town dog control officer, peace officer acting pursuant to special duties, or police officer.

5.01. Any person who observes a dog, or owner of a kennel, in violation of this Local law may file a written complaint under oath with a Justice of the Peace of the Town of Stephentown, setting forth and specifying the nature of the violation, the date and time thereof, a description of the dog, and the name and residence, if known, of the owner of such dog or the owner of the kennel. Such complaint may serve as the basis for enforcement of the provisions of this Local Law.

5.02. The Town Dog Control Officer, peace officer acting pursuant to special duties, or police officer, having reasonable cause to believe that a person has violated this Local Law, shall issue and serve upon such person an appearance ticket for each such violation

Section 6. Seizure, Impoundment, Redemption and Adoption.

6.01. Any dog found in violation of this Local Law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law of the State of New York.

6.02. Every dog seized pursuant to this Local law shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law of the State of New York.

6.03. Every dog seized pursuant to this Local Law may be redeemed by production of a license and identification pursuant to Article 7 of the Agriculture and Markets Law of the State of New York and by payment of the impoundment fees set forth in Section 118 of said Article.

6.04. The impoundment fees set forth in Section 6.03 of this Local Law are due and payable whether or not the owner of such dog chooses to redeem such dog.

6.05. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law of the State of New York.

Section 7. Penalties. Any person convicted of a violation of this Local Law shall be deemed to have committed a violation and shall be subject to a fine of not more than Two Hundred Fifty (\$250. 00) Dollars, or imprisonment for a period not exceeding fifteen (15) days or by both such fine and imprisonment for each such violation.

7.01. A violation of this Chapter shall be deemed an offense against this Chapter, and any person convicted of such violation shall be liable to the penalty set forth in Section 119 of the Agriculture and Markets Law.

a. If any animal is seized and impounded pursuant to the provisions of Article 26, section three hundred fifty-three-d section three hundred seventy-five of this article for any

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violation upon arraignment of charges, or within a reasonable time thereafter, the duly appointed Dog Control Officer on behalf of the Town of Stephentown, hereinafter referred to for the purposes of this section as the "impounding organization", may file a petition with the Town Court requesting that the person from whom an animal is seized or the owner of the animal be ordered to post a security. The district attorney prosecuting the charges may file and obtain the requested relief on behalf of the impounding organization if requested to do so by the Town Court on behalf of the impounding organization. The security shall be in an amount sufficient to secure payment for all reasonable expenses expected to be incurred by the impounding organization in caring and providing for the animal pending disposition of the charges. Reasonable expenses shall include, but not be limited to, estimated medical care and boarding of the animal for at least thirty days. The amount of the security, if any, shall be determined by the court after taking into consideration all of the facts and circumstances of the case including, but not limited to the recommendation of the impounding organization having custody and care of the seized animal and the cost of caring for the animal. If a security has been posted in accordance with this section, the impounding organization may draw from the security the actual reasonable costs to be incurred by such organization in caring for the seized animal.

b. In no event shall the security prevent the impounding organization having custody and care of the animal from disposing of the animal pursuant to section three hundred seventy-four of this article prior to the expiration of the thirty day period covered by the security if the court makes a determination of the charges against the person from whom the animal was seized prior thereto. Upon receipt of a petition from the impounding organization, the court may order the person from whom the animal was seized or the owner of the animal to post an additional security with the clerk of the court to secure payment of reasonable expenses for an additional period of time pending a determination by the court of the charges against the person from whom the animal was seized. The person who posted the security shall be entitled to a refund of the security in whole or part for any expenses not incurred by such impounding organization upon adjudication of the charges. The person who posted the security shall be entitled to a full refund of the security, including reimbursement by the impounding organization of any amount allowed by the court to be expended, and the return of the animal seized and impounded upon acquittal or dismissal of the charges, except where the dismissal is based upon an adjournment in contemplation of dismissal pursuant to section 215.30 of the criminal procedure law. The court order directing such refund and reimbursement shall provide for payment to be made within a reasonable time from the acquittal or dismissal of charges.

c. Notwithstanding any other provision of this section to the contrary, the court may order a person charged with any violation of this article to provide necessary food, water, shelter and care for any animal which is the basis of the charge, without the removal of the animal from its existing location, until the charges against the person are adjudicated and a final determination of the charges is made.

Section 8. Dog Licensure Regulations and Procedures

8.01. Definition of Terms.

As used in this Local Law the following words shall have the following respective meanings:

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(a) "Dog" means male and female, licensed and unlicensed, members of the species *canis familiaris*.

(b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter.

8.02. All dogs in the Town of Stephentown must be licensed with the Town Clerk by the age of four (4) months and are reported to present a current Certificate of Rabies vaccination at the time of licensing or the renewal of an existing license. The owner of each dog required to be licensed shall obtain, complete and return to said Town Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Stephentown. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies.

8.03. All dog licenses will be for a period of two (2) years and will expire at the end of the twenty-fourth (24th) month from the date of issue.

8.04 Fees for Licensing of Dogs. The fee for a spayed or neutered dog will be three dollars and fifty cents (\$3.50) annually (seven dollars (\$7.00) for the license term), which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control. The fee for an unsprayed or unneutered dog will be eleven dollars and fifty cents (\$11.50) annually twenty three dollars (\$23.00) for the license term. In addition to the foregoing, there shall be a three dollar (\$3.00) surcharge for each unsprayed/unneutered dog licensed for the purposes of carrying out the annual population.

8.05. A license for any guide dog, service dog, hearing dog, detection dog, war dog, working search dog, police dog and therapy dog is required, but no license fee shall be charged.

8.06. In addition to the foregoing, a kennel license fee will be required for a person to harbor four (4) or more dogs. Such fee will be twenty five (\$25) dollars per year for four to ten dogs and fifty (\$50.00) dollars per year for kennels exceeding ten dogs.

8.07 The Town of Stephentown may contract with an animal shelter(s) to license dogs adopted by residents of the Town of Stephentown, allowing said shelter(s) to provide, accept and grant an application for a dog license made by a resident of the Town at the time of the adoption of a dog from said shelter(s) provided that such application is made in accordance with this law and the license fee, any additional fee and surcharge shall be remitted to the Town of Stephentown on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

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8.08. All dog licenses may be purchased and obtained by visiting the office of the Town Clerk or by regular mail. When licensing or renewing a license by mail the appropriate fee must accompany the forms. Fees are non-refundable.

(The Town Board may, by resolution, change any of the foregoing fees if deemed necessary.)

Section 9. Penalties for Offenses

A violation of this Chapter shall be deemed an offense against this Chapter, and any person convicted of such violation shall be liable to the penalty set forth in Section 119 of the Agriculture and Markets Law.

9.01. Seizure of Dogs at Large/Period of Impoundment.

Any dog found to be running at large in violation of Section 118 of the Agriculture and Markets Law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner adopted or disposed of as provided by Section 118 of the Agriculture and Markets Law. The owner of any dog impounded by the Town of Stephentown shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of ten dollars (\$10.00) for the impoundment as well as reimburse the Town for the actual amount incurred by the Town for such impoundment.

Section 10. Duties of Dog Control Officer.

A Dog Control Officer designated by the Town Board, as provided by § 113 of the Agriculture and Markets Law, may enforce the provisions of this chapter and may also investigate and report to the Town Justice any dangerous dog, as described in § 123 of the Agriculture and Markets Law, and see that the order or orders of the Town Justice in such case are carried out and to make regular visits to where the animal is being kept ascertaining if the animal is receiving necessary food, water, shelter and care. The Dog Control Officer shall contact and notify an appropriate law enforcement officer to apply for a warrant pursuant to this section to seize any animal being held by the person charged pending the adjudication of the charges if it is determined that the animal is not receiving the necessary food, water, shelter or care. The Dog Control Officer shall keep the Stephentown Town Board, through its designee, of the progress and compliance of outstanding warrants and securities for impoundments on a monthly basis in writing.

Section 11. Severability.

Should any section or provision of this law be deemed to be unconstitutional or invalid by a court of law, such decision shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 12. Repealer.

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This Chapter shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control and licensure of dogs within the Town of Stephentown and all other matters specifically detailed herein and they shall be upon the effectiveness of this Local Law, null and void.

Section 13. Effective Date.

This Chapter shall become effective upon filing with the Secretary of State.

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