

## **LOCAL LAW NO. 1 OF 2016**

### **A LOCAL LAW SETTING FORTH DOG CONTROL REGULATIONS OF THE TOWN OF DRESDEN, N.Y., COUNTY OF WASHINGTON, STATE OF NEW YORK**

Be it enacted by the Town Board of the Town of Dresden (the “Town), as follows:

#### **SECTION 1. Purpose**

The Town of Dresden finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this Local Law is to protect the health and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof with the Town.

#### **SECTION 2. Authority**

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and Municipal Home Rule Law.

#### **SECTION 3. Title**

The title of this local law shall be “Dog Control Law of the Town of Dresden.

#### **SECTION 4. Definitions**

As used in this local law, the following words will have the following respective meanings:

- A) At Large. Means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be “at large” if it is: (a) accompanied by and under immediate 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 with permission of the owner of the land.
- B) Dangerous Dog. Means any dog that conducts itself so as to cause bodily harm and injury or to put any person in reasonable apprehension of such bodily harm and injury, or any dog which attacks, chases or worries any domestic , farm or companion animal, as defined by Section 108 of the Agriculture and Markets Law.

- C) Dog. Means any male or female canine.
- D) Dog Control Officer. Any person authorized by the Town Board of the Town of Dresden from time to time to enforce the provisions of this local law or the provisions of the Agriculture and Markets law.
- E) Harbor. Means to provide food or shelter to any dog.
- F) Leashed or Restrained by a Leash. Means a dog that is equipped with a collar of sufficient strength attached to a leash not more than fifteen (15) feet long, which leash shall be held by a person having sufficient ability to control and restrain the dog by means of a collar and leash.
- G) Owner. Means any person who harbors or keeps any dog or has the care, custody or control of any dog or any person who licensed the dog. In the event any dog found in violation of this local law shall be owned by a person less than eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides). The term “owner” shall also include any corporation, association or entity that harbors or keeps or has the care, custody or control of any dog in the Town.
- H) Police Work Dog. Means a dog under the care and control of any law enforcement agency and used primarily for law enforcement investigations and related work. The provisions of the local law shall not apply to any police work dog.
- I) Service Dog. Means any dog that is trained to aid a person with a disability and is actually used for this purpose, otherwise known as a “guide dog”.

## **SECTION 5. Licensing Requirements**

- A) Requirement. All dogs in the Town of Dresden that are four (4) months of age or older shall be licensed with the Town Clerk of the Town of Dresden. Any person applying for a dog license shall present a current certificate of rabies vaccination or a statement from a licensed veterinarian that such vaccination would endanger the dog’s life, in which case vaccination shall not be required at the time of making an application for a license or for the renewal of an existing license.
- B) Expiration of License. All dog licenses shall be valid for a period of one (1) year and shall expire at the end of month one (1) from the date of issuance.

C) Fees

- i. The license fee for a spayed or neutered dog shall be \$8.00 *yearly*, which fee includes the assessment of \$1.00 for the purpose of carrying out a program of animal population control. A \$2.00 (Two Dollars) discount will be given to Senior Citizens of the age of 65 years or older.
- ii. The licensing fee for an unsprayed or unneutered dog shall be \$16.00 *yearly*, which fee includes the assessment of \$3.00 for the purpose of carrying out a program of animal population control.
- iii. The charge for replacement tags shall be 3.00.
- iv. When the Town Board determines the need for a dog enumeration, a fee of \$25.00 will be assessed to the owner of any dog found unlicensed or for which the license has not yet been renewed at the time the enumeration is conducted, *at the discretion of the Town Board.*

The above fees shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.

- D) Service Dogs. The Town of Dresden excepts guide, hearing, service, war working search, detection and therapy dogs as defined by Article 7 of the Agriculture and Markets law of the State of New York, from payment of licensing fees. This shall not relieve the owner of the responsibility of licensing said dog.
- E) Purebred License. The Town of Dresden shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance to the fees stated herein.
- F) Shelters. The Town of Dresden does not allow the licensing of dogs by a shelter. The shelter shall be required to send adoptive dog owners to the clerk of the municipality in which the dog will be harbored for licensing or to the Town Clerk of the Town of Dresden for the purchase of the license for adoption purposes.
- G) All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail the appropriate fees must accompany the application, *with a current rabies certificate.* There shall be no refund of fees.
- H) All fees will be used in funding the administration of the Dog Control Law of the Town of Dresden.
- I) *Upon licensing of a dog, the ID tag shall be carried by the dog at all times, affixed to a collar on the dog.*
- J) Prior to the redemption of a dog from a shelter facility, in addition to ensuring that all necessary fees are paid by the dog owner, the shelter shall require that a proper license for such dog has been obtained from the Town of Dresden

## **SECTION 6. Restrictions**

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Dresden, to:

- (A) Be at large;
- (B) Cause damage or destruction to property, or commit nuisance by defecating or urinating or scavenging through refuse upon the premises of a person, other than the owner of such dog, unless the owner of said premises has given permission therefore;
- (C) Chase, jump on or at, or otherwise harass any person in such a manner as would reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury, or
- (D) Habitually chase, run alongside of motor vehicles or bicycles; or
- (E) Attack, chase or worry domestic, farm and or companion animal, as defined by section 108 of the Agriculture and Markets Law; or
- (F) Habitually chase or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property; or
- (G) Be off the premises of the owner unless restrained by a leash to be held by a person of sufficient strength and ability to adequately restrain the dog. Such dog may be unleashed while off the owners or harborer's premises only on such occasions as when the dog is on the private premises of another with the knowledge, consent and approval of such owner
- (H) It shall be the duty of the owner or person harboring any female dog in heat to confine such dog to the premises of such owner or person in possession of the dog during the period when it is in heat.
- (I) All dog owners shall be in full compliance with all New York State Laws covering Dogs.
- (J) It shall be unlawful for any person to treat a dog in a cruel or inhuman manner or abandon any dog.
- (K) Any owner or custodian of a dog, which dog has deposited its feces to be deposited upon any Town Property or upon the Property of Another, shall immediately remove such feces and cause it to be disposed of in a safe and sanitary manner. A person will be considered to have disposed of feces in a safe sanitary manner if such feces are immediately collected and placed in a suitable bag and placed in a suitable container for the collection of garbage and refuse. For purposes of this section, "Town Property" shall mean any property owned, and occupied or controlled by the Town of Dresden, including but not limited to parks, streets, sidewalks and grassy areas adjacent to town streets and sidewalks, and "Property of Another" shall mean all property within Town boundaries which is not owned by the Town, including but not limited to all residential and commercial property, private streets and sidewalks and the grassy areas located adjacent to such streets and sidewalks, rights-of-way, and any common area of a condominium or cooperative.

## **SECTION 7. Enforcement**

- (A) The dog control officer and/or police officer of the Town of Dresden shall be responsible for the administration and enforcement of this Local Law and shall act upon any written complaint, or his observation, of an alleged or possible violation of this Local Law. Any appearance ticket for a violation of this Local Law shall be administered pursuant to the New York State Criminal Procedure Law.
- (B) The dog control officer, or other law enforcement officer, observing a violation of this local law in his presence shall issue and serve an appearance ticket for such violation and subsequently file the appearance ticket and information to the court. The dog control officer shall enforce the provisions of this local law pursuant to Article 7 of the Agriculture and Markets Law.
- (C) The dog control officer or other law enforcement officer may also investigate and report to the Town of Dresden Court (the "Court") any dangerous dog, as defined herein or as set forth in section 123 of Agriculture and Markets Law, and see that the order of the Court in such cases is carried out.
- (D) Upon receipt by the Town Justice of any complaint filed in accordance with the provisions of this law, the Town Justice shall summon the alleged owner to appear in person before him. If the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of such person, after the first non-appearance.

## **SECTION 8. Complaint**

- (A) Any person who observes a violation of this local law (including, without limitation, the dog control officer) may file a complaint under oath with the Court specifying the objectionable conduct; the date(s) thereof; the damage caused; a description of the dog; and the name and residence, if known, of the owner of such dog.
- (B) The Court shall have the jurisdiction to hear all complaints filed as herein provided and all actions and proceedings hereunder and of all prosecutions for any violation of this local law.
- (C) Upon receipt by the Court of any complaint against the conduct of a particular dog, the Court may summon the alleged owner or other person harboring such dog to appear in person before the Court for a hearing, at which both the complainant and the owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Court decides that a violation of the local law has been committed, the Court may impose a penalty upon the violator as provided by Section 9 of this Local law.
- (D) A violation of any order issued by the Court under the provisions of this Section 7 shall be an offense punishable, upon conviction thereof, as provided in Section 9 of this local law.

## **SECTION 9. Procedures Relating to Dangerous Dogs**

Procedures relating to dangerous dogs shall be in accordance with the relevant provisions of the Agriculture and Markets Law.

- (A) In the event of a complaint of an attack or threatened attack upon a person or of an attack, chase or worrying of a domestic, farm or companion animal, the Court shall immediately determine if there is probable cause to believe that the dog is a dangerous dog, and upon so finding shall order the dog control officer or law enforcement officer to immediately seize the dog pending a judicial hearing conducted in accordance with Agriculture and Markets Law.
- (B) If satisfied that said dog is a dangerous dog, the Court may order the dog control officer or law enforcement officer to take any action consistent with the dog provisions of the Agriculture and Markets Law, including the destruction of the dog, or take any other action prescribed herein. In the event that any person is **bitten or scratched** by said dog, the Court shall order the dog tested for rabies or quarantined for a period of ten (10) days. The rabies testing and/or quarantine shall be at the owner's expense.
- (C) In the event that the Court does not order the dog destroyed and determines that said dog is a dangerous dog within the meaning of the Agriculture and Markets Law, the owner of the dog shall be required to:
  - (1) Maintain liability insurance for the life of the dog which insurance must specifically cover damage or injury to persons or property which may be caused by the dangerous dog;
  - (2) Muzzle the dog when in all public places;
  - (3) Post the property where the dog is located with a notice of "Dangerous Dog"; and
  - (4) Any other requirement that the Court finds appropriate under the law.
- (D) Upon default of any of the conditions of a Court order, said dangerous dog shall be dealt with in accordance with this law and without the need for any further process of the Court.

#### **SECTION 10. Penalties**

- (A) Any person convicted of a violation of this local law shall be liable to a civil penalty not less than \$25.00 for the first violation, not less than \$75.00 for a second violation and no less than \$150.00 for a third and each subsequent violation.
- (B) In addition to the penalties imposed for violations of this local law, the person found to have violated this local law must pay for the cost of any seizure or kennel fees that may be required.
- (C) A separate offense shall be deemed committed on each day on which a violation occurs or continues.
- (D) Upon presentation of proof of payment of any and all fines and/or penalties, the dog control officer, or other law enforcement officer, shall release any dog impounded to its owner or harbinger, provided that the release of the dog is consistent with any court determination made with respect of the dog and proof that said dog is properly licensed.

In addition, the Court may order restitution as a condition of any sentence for violation of the provisions of this chapter.

### **SECTION 11. Seizure, Impoundment, Redemption and Adoption**

- (A) The dog control officer or any law enforcement officer in the employ or under contract with the town shall seize:
- (1) Any dog which is not identified and which is not on the owner's premises.
  - (2) Any dog which is not licensed whether on or off the owner's premises.
  - (3) Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous or any dog which poses an immediate threat to the public safety.
- Promptly upon seizure of any dog based on this Section the dog control officer shall commence a proceeding as provided for under New York State Agricultural Markets Law Article 7 Section 123.
- (B) The dog control officer or any law enforcement officer in the employ of or under contract to the Town may seize any dog in violation of any local law relating to the control of dogs adopted by the Town pursuant to Article 7 of the Agriculture and Markets Law.
- (C) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 117 of the Agriculture and Markets Law.
- (D) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and paying the impoundment fees as set forth herein:
- i. For the first impoundment: \$20.00 plus any costs incurred and the prevailing charge to the Town of Dresden for each day of impoundment.
  - ii. For the second impoundment: \$40.00 plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus any costs incurred and the prevailing charge to the Town of Dresden for each day of impoundment.
  - iii. For the third and any subsequent impoundment: \$60.00 plus a fee of \$3.00 for each additional twenty four (24) period, plus any costs incurred and the prevailing charge to the Town of Dresden for each day of impoundment.
- (E) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (D) of this section whether or not such owner chooses to redeem his or her dog.
- (F) 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 117 of the Agriculture and Markets Law.
- (G) No action shall be maintained against the Town, any dog control officer or other law enforcement officer when acting pursuant to his special duties, or any other agent or officer of the person under contract with said Town to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized

or destroyed pursuant to the provisions of this local law or the Agriculture and Markets Law.

### **SECTION 12. Records of Dog Control Officer**

It shall be the responsibility of the dog control officer to maintain accurate records and to complete and submit the following records to the Town Supervisor and Town Board of the Town of Dresden on a monthly basis:

- (A) A listing of all complaints, including the name, address and phone numbers of each complainant, the type of complaint, and the resolution of each complaint.
- (B) A separate log of each official action taken in each case.
- (C) The number of dogs impounded.
- (D) A list of all expenditures incurred by the dog control officer.
- (E) The gross receipts collected by the dog control officer as well as specific details relating to any dog seized under this Local Law including but not limited to name, age, color, license information, and other relevant information.

### **SECTION 13. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

### **SECTION 14. Repealer**

This local law shall supersede all prior local laws, ordinances or rules and regulations relative to the control of dogs within the Town of Dresden and they shall be, upon effect of this local law, null and void.

### **SECTION 15. Effective Date**

This Local Law shall take effect upon filing the New York State Secretary of State.

### **SECTION 16. Public Awareness**

Upon the dog owner/harbinger applying for licensing a dog, it shall be the responsibility of the licensing agent to see that the dog owner/harbinger receives a copy of the Town of Dresden Dog Control Laws.