

Short Title. This local law may be cited as the Town of Dryden Dog Control Law.

- 1. Statutory authority.** This local law is enacted pursuant to the provisions of Municipal Home Rule Law Section 10 and Article 7 of the Agriculture and Markets Law, as amended by Chapter 59, Part T, of the laws of 2010 (effective January 1, 2011).
- 2. Purpose.** The purpose of this local law shall be to preserve public peace and good order in the Town of Dryden (herein "Town") and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town.
- 3. Definitions.**

A. As used in this local law, the following terms shall have the meanings indicated:

AT LARGE - An unleashed dog off the premises of the owner.

DOG CONTROL OFFICER - A person or persons appointed by the Town for the purpose of enforcing this local law.

LEASHED - Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog held by a person having the ability to control the dog.

OWNER - The person entitled to claim lawful custody and possession of a dog and 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, or to any peace officer. 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 a dog which is kept in, brought into or comes into the Town. Any person owning or harboring a dog for a period of one week shall be held and deemed to be the "owner" of such dog for the purpose of this local law. In the event that the "owner" of any dog found to be in violation of this local law shall be under 18 years of age, any head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this local law.

NOISE DISTURBANCE - The making of any sound which is audible across a real property line for 15 minutes in any one-hour interval, which sound disturbs a reasonable person of normal sensitivities.

REAL PROPERTY LINE - The imaginary line, including its vertical extension, that separates one parcel of real property from another; or

The vertical and horizontal boundaries of a dwelling unit that is in a multi-dwelling building.

RECOGNIZED REGISTRY ASSOCIATION – Any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of Agriculture and Markets.

RESIDENTIAL - any property used for human habitation.

- B.** Terms not defined herein or in Agricultural and Markets Law 108 shall have their customary and usual meaning.
- 4. Prohibited acts.** It shall be unlawful for any owner of a dog in the Town to permit or allow such dog to:
- A.** Run at large, unless the dog is leashed or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this local law, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.
 - B.** Make sounds that create a noise disturbance across a residential real property line.
 - C.** Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property of other than the owner or person harboring the dog.
 - D.** Bite, chase, jump upon or otherwise harass any person in such a manner as to reasonably cause intimidation or put such a person in reasonable apprehension of bodily harm or injury.
 - E.** Chase, leap on or otherwise harass bicycles, motor vehicles, and any equine, including any rider thereon.
 - F.** Kill or injure any dog, cat, other household pet or domestic animal.
 - G.** Be unlicensed when four months of age or older.
 - H.** Not have a valid Town identification tag on its collar while at large, whether or not leashed.
- 5. Female dogs.** All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this section will be subject to having the dog seized by the Dog Control Officer, or any peace officer, and removed to a safe place of confinement, at the expense of the owner.
- 6. Conditions for keeping dogs.** All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall

subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises.

7. Licensing of dogs; fees.

A. License required. All dogs in the Town over the age of four months shall be licensed by the Town Clerk. A person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license. Unless the license application includes a certificate signed by a licensed veterinarian or an affidavit acceptable to the Town Clerk and signed by the owner showing that the dog has been spayed or neutered, the dog shall be deemed to be unspayed or unneutered, as the case may be. Such certificate or affidavit shall not be required if the same has previously been provided to the Town Clerk and noted in the dog's license record.

B. Expiration of license.

- (a) Except as otherwise provided herein, a license shall be issued or renewed for a period of at least one year, provided, that no license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed. All licenses shall expire on the last day of the last month of the period for which they are issued.
- (b) The owner may license a dog for two or three years, subject to the license expiration and rabies certificate expiration provisions in (a) above.

C. License fees.

- (a) The annual license fee for a spayed or neutered dog shall be \$11, which fee includes a mandated state surcharge of \$1 for the purpose of carrying out a state-mandated program of animal population control.
- (b) The annual license fee for an unspayed or unneutered dog shall be \$23, which fee includes a mandated state surcharge of \$3 for the purpose of carrying out a state-mandated program of animal population control.

D. Purebred license.

- (a) The owner of five or more unaltered purebred dogs registered by a Recognized Registry Association may make application to the Town Clerk for a purebred license in lieu of the individual licenses required herein. Such license shall cover only purebred dogs, whether unaltered or spayed or neutered.
- (b) Application for a purebred license shall be on a form provided by the Town Clerk. All dogs over four months of age must be listed and included in the

purebred license. Purebred licenses shall be issued for one year and renewed annually.

- (c) Copies of registry papers for every purebred dog on the application, or a comprehensive list of registry numbers and associations, shall be provided to the Town Clerk, along with the license application, and a current certificate of rabies vaccination for each dog on the application.
- (d) The application fee for a purebred license is:
 - (i) For five to 20 dogs - \$100 plus the mandated state surcharge of \$1 per spayed or neutered dog on the application for the purpose of carrying out a state-mandated program of animal population control, and \$3 per unspayed or unneutered dog on the application for the purpose of carrying out a state-mandated program of animal population control.
 - (ii) For 21 or more dogs - \$200 plus the mandated state surcharge of \$1 per spayed or neutered dog on the application for the purpose of carrying out a state-mandated program of animal population control, and \$3 per unspayed or unneutered dog on the application for the purpose of carrying out a state-mandated program of animal population control.
- (e) No purebred license is transferable. Upon change of ownership of any dog licensed under a purebred license, the new owner shall make application for a license, except when the new owner holds a valid purebred license and adds the dog to such purebred license.
- (f) One identification tag per purebred license shall be provided by the Town.

E. License Fee Waivers. The Town requires a license for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police dog and therapy dog, however, only the license fee is waived. The mandated state surcharges cannot be waived by the town and shall be collected. The owner may purchase a special identification tag for a \$4 fee.

F. Purchase of Licenses and Renewals; Replacement Identification Tags; No Refund of Fees.

- (a) All dog licenses and renewals thereof shall be purchased from the Town Clerk.
- (b) The Town Clerk may issue a replacement identification tag for a fee of \$3.
- (c) No license fee or portion thereof will be refunded in the event a dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license term.

G. Use of Fees. All fees called for in subsections (C) – (F) above shall be used for funding the administration of the Dog Control Law of the Town.

H. Additional Fee for Enumerated Unlicensed Dog. In addition to the license and other fees provided for herein, the owner of a dog identified as unlicensed during a dog enumeration shall be charged an additional fee of \$7 at the time of licensing. All such additional fees under this subsection shall be used to pay the expenses incurred by the town during such enumeration.

8. Seizure of dogs; redemption; disposition; impoundment fee. The Dog Control Officer, or any peace officer, shall seize any unlicensed dog whether on or off the owner's premises and/or any dog not wearing a tag, not identified and not on the owner's premises.

A. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five (5) days.

B. If a dog seized is wearing an identification tag, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven (7) days; if notified by mail, no less than nine (9) days.

C. The fees for any seizure and impoundment of a dog in violation of Article 7 of the Agriculture and Markets Law or of this local law are as follows:

(a) For the first impoundment: \$25 to the Town, plus the prevailing kennel charge.

(b) For the second impoundment: \$50 plus \$10 per day or fraction thereof to the Town for each day of impoundment, plus the prevailing kennel charge.

(c) For the third impoundment: \$75 plus \$10 per day or fraction thereof to the Town for each day of impoundment, plus the prevailing kennel charge.

D. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

E. The owner of any seized dog not wearing an identification tag at time of seizure shall pay an "unidentified dog fee" of \$15 to the Town Clerk at the time of redemption in addition to any license, impoundment, kennel or other fees called for herein. Such fee shall apply whether or not such dog was licensed at the time of seizure.

9. Record of seizure. Upon seizure of any dog, the Dog Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of seizure, breed,

general description, sex, identification tag number, time of release to owner, location or release, and name and address of owner, if any.

- 10. Complaints.** Any person who observes a dog in violation of any section of this local law may file an accusatory instrument, under oath, with the Town Clerk or with the Dog Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known. Any such accusatory instruments filed with the Town Clerk or Dog Control Officer shall be promptly filed with the Town Justice Court.
- 11. Enforcement.** Any Dog Control Officer of the Town shall, and all peace officers may, administer and enforce the provisions of this local law and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this local law.
- 12. Impeding Dog Control Officer unlawful.** No person shall hinder, resist or oppose the Dog Control Officer or peace officer authorized to administer or enforce the provisions of this local law in the performance of such officer's duties.
- 13. Disclaimer of liability.** The owner or person harboring any dog so destroyed under the provisions of this local law, whether destroyed by a Dog Control Officer or peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.
- 14. Penalties for offenses.** A violation of this local law shall constitute a violation as defined by the Penal Law and shall be punishable by a fine of not less than \$25, nor more than \$75, except that (i) where the person was found to have violated this section or former Section 2 of the Town of Dryden Dog Ordinance within the preceding five (5) years, the fine shall be not less than \$75, nor more than \$150, and (ii) where the person was found to have committed two or more such violations within the preceding five (5) years the fine shall be not less than \$150 nor more than \$250. These penalties shall be in addition to any other penalty provided by law.
- 15. Severability.** If any clause, sentence, paragraph, section, local law or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.
- 16. When effective.** This local law shall take effect January 1, 2011, after filing with the Secretary of State of the State of New York.