

DOG LAW

Local Law No 1 of the Year 2010

**** Revised 03/September/2014 ****

Dog Control Law

Be it enacted by the Town Board of the Town of Masonville as Follows:

**** Section- 1. Purpose****

The purpose of this Local Law is establish the fees for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, domestic animals and deer from dog attacks damage and the running at large of dogs within the Town.

**** Section- 2. Authority****

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

Section- 3 Definitions

The following words, terms and phrases, when used in the law, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

Confined means that an animal is securely confined or restrained or kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire, leash, or other effective tether of such length and so arranged that the animal is controlled and restrained or if the animal is being transported by the owner, that it is securely confined in a crate or other container, or so restrained in a vehicle that it cannot be escape therefrom.

DOG means any male or female, licensed or unlicensed, member of the species canis familiaris.

Dog Control Officer (hereafter referred to as "DCO") means any individual appointed by the Town to assist in the enforcement of this article including but not limited to the Town DCO, any policeman, any other peace officer and any other designated representative of the Town or of the State Department of Agriculture and Markets.

Harbor means to provide food or shelter to any dog.

Owner means the party purchasing the license unless the dog is or has been lost, such loss reported to the DCO, and a reasonable search has been made. If an animal is not licensed, the term “owner” shall designate and cover any person who at any time owns or has custody and control of, harbors or is kept, brought or comes within the Town. If the “owner” of any dog found to be in violation of this article is a person under eighteen (18) years of age, the parent or guardian of such person shall be deemed to have custody and control of the dog and shall be responsible for any acts of the dog and violations of this law.

Recreational areas mean any real property owned by the Town, which is used for recreational purposes by the public, including but not limited to parks and playgrounds.

Run at large means to be in a public place or private lands without the knowledge, consent and approval of the owner of such lands.

****Section- 4. Dog Licensing Requirement****

(a) Municipal License

All dogs within the Town of Masonville [hereinafter referred to as "the Town"] six (6) months of age or older, unless otherwise exempt, shall be licensed. The owner of each dog required to be licensed shall obtain, complete, and return to the 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 Masonville. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferable.

(b) Exception :

Any dog harbored within the Town, which is owned by a resident of New York State and licensed by any Municipality in New York State, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty days be exempt from the licensing and identification provisions of this Local Law.

Section- 5. Penalties for offenses: Upon conviction, a violation of this law shall be deemed an offense and punishable pursuant to the penal Law by a fine of not more than fifty dollars (\$50.00), except that where a person was found to have violated this law or article 7 of the Agriculture and Markets Law within the preceding five (5) years, the penalty may be not more than one hundred dollars (\$100.00), and where a person was found to have committed two (2) or more such violations within the proceeding five (5) years, penalty may be not more than two hundred-fifty dollars (\$250.00). Fines may be paid pursuant to a plea of guilty by mail and shall be fifty dollars (\$50.00) except that where a person was found to have violated this law or article 7 of the Agriculture and Markets Law within five (5) years, the fine shall be one hundred dollars (\$100), and where a person was found to have committed two (2) or more such violations within the preceding five (5) years, the fine shall be two hundred fifty dollars (\$250.00). Security of Twenty-five dollars (\$25.00) shall be posted upon a plea of not guilty made by mail.

Section- 6. Enforcement: The dog control officer shall enforce this law.

Section- 7. Complaints: appearance tickets.

(a) The DCO or any peace / police officer, having jurisdiction in the Town of Masonville, having reasonable cause to believe that a violation of this law has been committed in his/her presence, shall issue and serve an appearance ticket for such violation. The appearance ticket shall be in a form prescribed by the Town Board by resolution in accordance with the provisions of section 124 of the Agriculture and Markets Law and this Law.

(b) An Answer to such appearance ticket shall be made within five (5) days of the violation, in person or by registered or certified mail, return receipt requested, in lieu of personal appearance on return date at the time and court specified in appearance ticket, in accordance with provisions of Section 124 of the Agriculture and Markets Law and this Law.

(c) Any person who observes a dog in violation of this law may file a complaint under oath with a town justice specifying the nature of the violation thereof, the description of the dog and the name and residence, if known, of the owner of the dog.

(d) Upon receipt by the Town Justice of any such complaint, he/she shall either issue a summons or order the alleged owner to appear in person before him/her for a trial, at which time the complainant, the owner, the DCO or the peace / police officer and any other interested person shall have an opportunity to be represented by counsel and to present evidence. If after such trial, the Town Justice decides that such action is warranted, in addition to the penalties prescribed in Section 3, he/she may order:

- (1) The Owner to restrain such dog by collar and leash at all times-whether on or off the owners property.**
- (2) The Owner to confine such dog to the premises of the owner or to a building on such premises.**
- (3) Any remedy authorized by state statutes.**
- (4) Any action, which could be ordered under section 3.**
- (5) Such other remedy as may be warranted by the circumstances in such to assure compliance with this chapter.**

Section- 8. Seizure; redemption

- (a) Any dog found running at large in violation of this law or section 118 of the Agriculture and Markets Law may be seized by any dog control officer exercising such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such dog; and such dog shall be impounded or disposed of in accordance with the provisions of article 7 or other applicable provisions of the Agriculture and Markets Law.**
- (b) After such seizure, the record owner of such dog or an adult member of his family, if the owner is ascertainable from the dog's license tag, shall be notified pursuant to the provisions of section 118 of the Agriculture and Markets Law.**
- (c) A dog owner may redeem his dog from the pound upon payment for the impounding of such dog, plus the cost of keeping, feeding and caring for the dog while in custody of the dog control officer.**
- (d) No action shall be maintained against the Town, any duly designated DCO or any other agent or officer of the Town to recover the possession or value of any dog or damages for injury or compensation for the destruction of seized or destroyed dog pursuant to the provision of this law.**

Section- 9. Nature of evidence: Establishment of fact or facts that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by Section 10 through Section 17, shall be presumptive evidence against the owner or harbinger of the dog that has failed to properly confine, leash or control his dog.

Section- 10. False or misleading information: It shall be unlawful for any person to furnish any false or misleading information on any form required to be filed with any municipality or the commissioner pursuant to the provisions of Article 7 of the Agriculture and Markets Law or Rules and Regulations promulgated pursuant thereto.

Section- 11. Failure to license or identify.

It shall be unlawful for any owner of any dog in the Town to:

- (1) Fail to license any dog, over the age of 6 months
- (2) Fail to have any dog identified as required by Article 7 of the Agriculture and Markets Law.
- (3) Knowingly affix to any dog any false or improper identification tag.

Section 12. Running at large: It shall be unlawful for any owner of any dog in the Town to permit or allow the dog to run at large, unless an adequate leash restrains the dog or unless it is accompanied by its owner or a responsible person able to control it by command and who does so. For the purpose of this section, a dog hunting in the company of a hunter shall be considered when accompanied by its owner or other responsible person and actively engaged in hunting or training for hunting on private or posted land with permission of the owner of such land.

Section- 13. Confinement: It shall be unlawful for any owner:

- (1) Of any dangerous dog to fail to confine or destroy such dog upon of any judge as provided in section 121 of the Agriculture and Markets Law.
- (2) To fail to securely confine any dog as required by an owner pursuant to Section 122 or 123 of the Agriculture and Markets Law.
- (3) Of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to Article 7 of the Agriculture and Markets Law,

Section- 14. Howling or Barking Dogs:

(a) No person shall keep or harbor a dog, which howls or barks in violation of this section. It shall constitute a violation of this section if the howling or barking occurs continually and is audible beyond the property line of the premises on which the dog is located.

- (1) For more than five (5) minutes between the hours of 10:00 P.M. and 8:00 A.M.: or
- (2) For a shorter duration than cited above, but no more than five occasions within a given ten-day period, attested to by complainants from two (2) or more separate properties.

It shall be defense to such violation if the owner of the dog proves by a preponderance of the evidence that the only reason the dog was howling or barking, was that the dog was being incited, or was acting as a guide dog, hearing dog, service dog or police work dog.

(b) In order to abate the nuisance created by a dog howling or barking in violation of this section, the DCO may enter the yard and may seize any such dog from the yard where the violation is occurring, if the Officer is unable to contact the owner, or if the owner is unable or unwilling to take action to stop the howling or barking.

Section- 15. Damaging property of others: It shall be unlawful for any owner of any dog in the Town to permit or allow the dog to uproot, dig or otherwise damage any vegetables, lawn, flowers, garden beds or other property not belonging to the owner of the dog.

Section- 16. Harassing people: It shall be unlawful for any owner of any dog in the Town to permit or allow the dog to chase, jump upon or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

Section- 17. Chasing Vehicles: It shall be unlawful for any owner of any dog in the Town to permit or allow the dog to habitually chase or run alongside of motor vehicles or bicycles while on a public street or highway or upon public or private property of the owner, or harbinger of the dog.

Section- 18. Creation of Nuisances: It shall be unlawful for any owner of any dog in the Town to permit or allow the dog to create a nuisance by overturning garbage containers and/or spreading garbage on the ground, defecating, urinating or digging in a public right-of-way, in the area between the curb or ditch (or shoulder in the absence of a curb or ditch) and the private property other than the property of the owner.

Section- 19. Female dogs in heat: It shall be unlawful for any owner of any female dog in the town to permit or allow such dog to be off the owner's premises when in heat.

****Section- 20 Dog License fees:****

(a) **Annual Fee:** The annual license fee for each dog license issued by the Town pursuant to Sub division one(1) of Section 109 and Section 110 of the Agriculture and Markets Law of the State of New York, shall be \$12.50 for each spayed or neutered dog and \$20.50 for each unsprayed or unneutered dog. This includes a surcharge of \$1.00 for altered dogs and \$3.00 for unaltered dogs for the purpose of carrying out population control efforts, which surcharge shall be submitted to the animal population control fund of the State of New York.

(b) Purebred Licenses: The dog license fees set forth in paragraph (a) above will increase as follows for registered purebred dogs with proof and documentation: such as; what breed of dog/dogs, if multiple breeds, how many of each breed, proof of AKC or UKC registry, also a DBA, LLC, Corporation or tax forms proving that it is a legitimate business.

One (1) to ten (10) dogs \$50.00 plus surcharge as listed above per each dog

Eleven (11) to twenty-five (25) dogs \$75.00 plus surcharge as listed above per each dog

More than twenty-five (25) dogs \$125.00 plus surcharge as listed above per each dog

(c) Enumeration Surcharge: In addition to the license fee imposed by Section 20 of this Local Law, each applicant for a dog license shall pay a surcharge of \$5.00, which shall be retained by the Town and used to defray the cost of an enumeration of dogs living in the Town and the cost of providing replacement identification tags.

(d) Exemptions: Guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, police work dogs or therapy dogs must be licensed, but shall be exempt from the requirement of paying a license fee. These exemptions are allowed only with valid documentation for each type of dog.

Section- 21. Removal and Disposal of Canine Waste:

(1) It shall be unlawful for any dog owner or person having possession, custody or control of any dog to allow such dog to defecate on public or private property over the objection of the owner of such property.

(2) It shall be the duty of each owner or person having possession, custody or control of a dog to remove any feces left by his dog on any sidewalk, gutter, street, grassy area between the street and sidewalk, park, schoolyard or other property. To dispose of the same in a safe and sanitary manner and such person shall have a visible appropriate bag or other disposal device on his/her possession to dispose of said feces.

(3) Any violation of this Local law shall constitute a violation punishable by fine or civil penalty not more than one hundred dollars (\$100.00) for the purpose of enforcing the provisions of this section, appearance tickets may be issued by police officers, dog control officers, code inspectors and by any persons authorized to issue tickets for parking violations.

(4) The provisions of the Local Law shall not apply to guide dog, hearing dog or service dog accompanying any person with a disability as defined in Subdivision 31 of Section 292 of the Executive Law of New York State.

Section- 22 Repealer: This revised local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Masonville and they shall be, upon the effective date of this law, null and void.

Section 23 Effective date:

These revisions to this law shall take effect upon filing with the NYS Secretary of State

Pamela Walker

Masonville Town Clerk