

Town of Grove
Local Law #2 of 2016

Local Dog Law

A Local Law to Provide for the Licensing, Identification and Control of Dogs in the Town. of Grove, to Restrain the Running at Large of Dogs within said Town, to Provide for the Seizure and Impounding of Certain Dogs, to provide Punishments for the Violation of this Local Law, and Related Provisions.

Section 1.
PURPOSE.

The purpose of this local law is to provide 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 attack and damage within the Town of Grove.

Section 2.
AUTHORITY.

This local law is authorized by Article 7 of the Agriculture and Markets Law of the State of New York, hereinafter referred to as "Article 7," and the Municipal Home Rule Law of the State of New York, and this local law shall be deemed automatically amended to conform to Article 7 of said Agriculture and Markets Law as such statute may be amended from time to time.

Section 3.
TITLE.

The title to this local law shall be "A Local Law to Provide for the Licensing, Identification and Control of Dogs in the Town of Grove, to Restrain the Running at Large of Dogs within said Town, to Provide for the Seizure and Impounding of Certain Dogs, to provide Punishments for the Violation of this Local Law, and Related Provisions."

Section 4. DEFINITION OF
TERMS.

As used in this local law, the following words shall have the following respective meanings.

(a) "Agriculture and Markets Law." The Agriculture and Markets Law of the State of New York in effect, as of the effective date of this local law, as amended by this local law, and as amended thereafter.

(b) "Confined." That such animal is securely confined or restrained and kept on the owner's premises, either within a building, or other effective tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street or way or place, 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 expected to escape therefrom.

(c) "Dog." Dog shall mean male or female, licensed or unlicensed, members of the species *Canis familiaris*.

(d) "Dog Control Officer, Peace Officer or Other Agent." Any person authorized by the Town Board, to enforce the provisions of the local law or the provisions of the Agriculture and Markets Law. A person may also be authorized by the Town Board as Assistant Dog Control Officer.

(e) "Owner." The party purchasing the license, unless dog is or has been lost, and such loss reported to the dog control officer, peace officer, or other agent and reasonable search has been made. If an animal is not licensed, the term of owner shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody of, control of, harbors, or is otherwise responsible for any animal 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 the filing of any complaint charging a violation of this local law, shall be held and deemed to be the owner of such dog for the purpose of this local law. In the event any dog found to be in violation of this local law shall be owned by a minor, under the age of eighteen (18) years, the 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 and violation of this local law.

(f) Harbor. Shall mean to provide food and shelter to any dog.

(g) "Recreational Areas." Recreational areas shall mean any real property owned by the Town of Grove, which is used primarily for recreational purposes by the public, including, but not limited to parks and playgrounds.

(h) "Be at large." "Be 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 at large if it is: (a) accompanied by and under the control of the owner or other responsible person; (b) a police dog in use for police work; (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 permission of the owner of the land.

(i) "Leashed" or "Restrained by Leads." The term "leashed" or restrained by leads" shall mean that a dog is equipped with a collar of sufficient strength to restrain the dog to which is attached a leash or chain of sufficient strength to restrain the dog, and which shall be secured or shall be held by a person having the ability to control and restrain the dog by means of the collar and leash.

G) "Town." Shall designate the area within the legal boundaries or limits of the Town of Grove where dogs are harbored or kept.

(k) "Clerk." Shall mean the Clerk of the Town of Grove, who validates or issues dog licenses.

(l) Regular license. Shall mean the license authorized and issued pursuant to this local law for the licensing and identification of dogs.

(m) Purebred license. Shall mean the license authorized and issued pursuant to this local law for purebred dogs, provided such dogs are registered by a recognized registry association.

(n) Fees. Shall mean dog license fees pursuant to this local law.

Section 5. LICENSING OF DOGS, RABIES VACCINATION REQUIREMENT.

All dogs within the Town of Grove from (4) months of age or older, unless otherwise exempted shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town of Grove a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be authorized and imposed by the Town of Grove. 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, two or three years and shall not be transferable. Each license shall be renewed not later than the anniversary date of its issuance.

Section 6. EXEMPTION.

Any dog harbored within the Town of Grove which is owned by a resident of New York City or licensed by the City of New York, or other municipality of the State of New York, 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 (30) days be exempt from the licensing and identification provisions of this local law.

Section 7. IDENTIFICATION TAG.

Any dog identification tag issued is required to have on it the name of the Town of Grove, a reference to the "State of New York" and municipality contact information, including a telephone number.

Section 8. LICENSE FEES.

A. The Town of Grove hereby establishes the license fees for dog licenses issued pursuant to this local law at

\$15.00, to which amount shall be added an additional \$7.50 charge if the dog for which the license application is made is un-spayed or un-neutered. However, the Town Board may by resolution set such fees at a lower amount.

B. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.

C. In addition to the license fee established by Sub-Division A of this section of this local law, each applicant for a dog license shall pay a surcharge of \$1.00 if the dog to be licensed is altered, or a fee of \$3.00 if the dog sought to be licensed is unaltered.

D. In addition to the license fee established by Sub-Division A of this section of this local law, each applicant for a dog license shall pay a surcharge of \$0.50 which shall be retained by the Town of Grove and used to defray the cost of an enumeration of dogs living within the Town of Grove and the cost of providing replacement identification tags.

Section 9. RESTRICTIONS.

It shall be a violation punishable as provided in Agriculture and Markets Law Section 118 for the owner of any dog in said Town of Grove to permit or allow such dog to:

(a) chase, jump upon or at, 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;

(b) no person who owns a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary;

(c) be at large unless the dog is restrained by an adequate leash (not exceeding eight {8} feet in length) or unless accompanied by its owner or a responsible person able to control it by command. For the purpose of this local law a dog or dogs hunting in the company of a duly licensed hunter shall be considered as accompanied by its owner;

(d) engage in loud howling, barking, crying or whining, or conduct itself in such manner as to

unreasonably disturb the comfort or repose of any person other than the owner of such dog;

(e) cause damage or destruction to property, or commit nuisance by defecating or urinating upon the premises of a person other than the owner of such dog;

(f) habitually chase, run alongside of or bark at

motor vehicles or bicycles. Establishment of the

fact or facts that a dog has committed any of the

acts prohibited by

Section 5 or Section 10 of this local law shall be presumptive evidence against the owner or

harbor-er of such dog that he or she has failed to properly leash or control his or her dog, and has permitted or allowed such act to occur.

Dogs confined in motor vehicles on public or private property shall be considered in compliance with this section.

Section 10.ENFORCEMENT.

This local law shall be enforced by the dog control officer, assistant dog control officer, peace officer, police officer, or by any person having jurisdiction under the Agriculture and Markets Law.

Section 11. TOWN JUSTICE TO HAVE JURISDICTION.

(a) The Town Justice of the Town of Grove shall have jurisdiction to hear all signed complaints filed as hereinafter provided, and all actions and proceedings hereunder, and of all prosecutions for the violation of this Local Law. Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice shall summon the owner or other person harboring said dog to appear before him. If the summons is disregarded, the Town Justice may permit the filing of an Information and issue warrant for the arrest of such owner or other person harboring said dog.

(b) The dog control officer, peace officer, or other agent, of the Town of Grove, or any person who observes a dog causing damage or destruction to property of a person other than its owner or violating any section of this Local Law may file a signed complaint under oath, with the Town of Grove Justice specifying the objectionable conduct of the dog, the date and residence, if known, of the alleged owner or other person harboring said dog.

Section 12. SEIZURE OF DOGS.

Any dog found to be at large in violation of Section 5 or Section 10 of this local law may be seized by any dog control officer, assistant dog control officer, peace officer, or other agent, or other designated representative of the Commissioner of Agriculture and Markets Law of the State of New York, exercising such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such dog, shall be impounded and disposed of in accordance with the provisions of the Agriculture and Markets Law.

Section 13. REDEMPTION OF SEIZED DOGS AND REDEMPTION FEES.

(a) Every dog seized pursuant to this Local Law or the provisions of the Agriculture and Markets Law of the State of New York, after being found to be at large, shall be immediately taken by the dog control officer, peace officer, or other agent of the Town of Grove to the shelter for dogs as established by the Town of Grove.

(b) Every dog seized shall be properly fed and cared for at the expense of the Town of Grove until disposition thereof be made as herein provided. The redemption of a seized dog shall be in conformance with and pursuant to the provisions of the Agriculture and Markets Law of the State of New York both as to licensed and unlicensed dogs.

(c) In the event that the dog seized bears a license tag, the dog control officer, peace officer, or other agent, shall ascertain the owner of the dog and shall immediately notify, in writing, such owner personally, or an adult member of the owner's family. If owner is unable to be contacted personally, written notice will be sent by certified mail, stating that said dog had been seized and that the dog will be turned over for euthanasia or adoption unless redeemed within the period hereinafter provided.

(d) If notification is given to owner personally, the dog will be held for five (5) days. If notice is given by certified mail, the dog will be held for a period of twelve (12) days from the date of mailing.

(e) The owner of a dog seized may redeem the dog within the time period stated in Section 14(c), by paying to the Town Clerk the redemption fee of Ten (\$10.00) per day of each day of retention, including the day of seizure, plus any penalty imposed under this Local Law for a violation of this Local Law.

(f) If the owner fails to claim the dog by the expiration of the redemption period, the dog shall then be made available for adoption or disposed of. If the dog is not redeemed within the above periods of time and the dog is adopted or disposed of, the owner shall still be liable and must pay the redemption fees, including the day of disposition.

(g) If any dog so seized is not redeemed within the time period hereinafter set forth, the owner shall forfeit all title to said dog and the dog shall be turned over for euthanasia or adoption according to the provisions of the Agriculture and Markets Law of the State of New York.

(h) The dog control officer, peace officer, or other agent is hereby authorized to dispose of any dog seized after the date of redemption has expired. If the dog is adopted, the new owner must pay the Town Clerk the redemption fees, if the original owner is not known.

(i) No action shall be maintained against the Town of Grove, and duly designated dog control officer, peace officer, or any other agent of the 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.

Section 14. COMPLAINTS, VIOLATIONS, PENALTIES AND ENFORCEMENT.

(a) Any person who observes a dog in violation of this local law may file a written complaint with the dog control officer, peace officer, or other agent, specifying the nature of the violation, the date thereof, a description of the dog and the location and residence, if known, of the owner of the dog. All complaints shall be investigated and it shall be the duty of the dog control officer, peace officer, or other agent to proceed with civil or criminal enforcement of this local law or any other provision of law pertaining thereof.

(b) The dog control officer, peace officer, or other agent may elect either to prosecute the violation under the penal law or to commence an action to recover a civil penalty.

(c) A violation of this local law prosecuted under the Penal Law shall be punishable by a fine of not more than one hundred dollars (\$100.00) for a first violation; a fine of not more than five hundred dollars (\$500.00) for a second or further violation within the prior five years; or a term of imprisonment for not more than 15 days; or both such fine and imprisonment.

(d) A violation of this local law prosecuted as a civil action shall subject the defendant to a civil penalty of not more than one hundred dollars (\$100.00) for a first violation, and a penalty of not more than five hundred dollars (\$500.00) for a second or further violation within the prior five years.

Section 15. SEPARABILITY.

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 16. REVOCATION OF PRIOR LOCAL LAWS AND ORDINANCES.

All local laws and ordinances of the Town of Grove which have been previously adopted which deal with the same subjects, topics or prohibited conduct by the owners of dogs are hereby repealed effective as provided in Section 17 below.

Section 17. EFFECTIVE DATE.

This local law shall take effect upon its filing in the Office of the Secretary of State as required by law.