

## Village of Green Island Dog Law

**The Town Council hereby finds that the harboring and possession of dogs within the Town of Green Island requires the regulation thereof in the public interest, convenience and necessity.**

### **ARTICLE I**

Pursuant to the authority granted to the Town of Green Island by Article 7 of the New York Agriculture and Markets Law, it shall be unlawful for any owner of, or any person harboring, any dog in the Town of Green Island to permit or allow such dog to:

A. Run at large. All dogs are to be restrained by an adequate collar and leash. All dogs shall be restrained or under the control of a person over thirteen (13) years of age. Any female dog in heat shall be confined to the premises of the owner or person harboring such dog during this period.

B. Engage in habitual loud howling or barking or to conduct itself in such a manner as to habitually annoy any person.

C. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.

D. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

E. Habitually chase or bark at motor vehicles.

F. Defecate on any common thoroughfare, sidewalk, play area, park or on any public property or on any private property without the permission of the owner of said property. The foregoing restriction shall not apply to that portion of any street lying between curb lines, so long as all feces deposited by such dog shall be immediately removed and disposed of by any sanitary method.

G. Be within 25 feet of a playground or any area containing playground equipment.

H. Be at any Town of Green Island special event or festival or special event held in a Town park.

I. The provisions in F and G above shall not apply to dogs, which are assisting people with disabilities, an official part of a performance or police or other governmental agency dogs.

J. Pursuant to § 124 of the New York State Agriculture and Markets Law, the dog control officers, peace officers acting pursuant to their special duties or police officers who are authorized to assist in the enforcement of Article 7 of the New York State Agriculture and Markets Law may provide for the issuance, pursuant to the Criminal Procedure Law, of an appearance ticket, a uniform appearance ticket or a uniform appearance ticket and simplified information for any violation of the provisions of this article.

K. Pursuant to Article 7 of the New York State Agriculture and Markets Law, a violation of this article shall be prosecuted in a civil action in the name of the Town of Green Island and shall be deemed an offense against the article, and any person convicted of such violation shall be liable for a civil penalty of not more than \$35 for each violation, except that when such person was found to have violated this article or any prior versions thereof within the preceding five years, the penalty may not be more than \$65, and when such person was found to have committed two or more such violations of this article or any prior versions thereof within the preceding five years, the penalty may not be more than \$125.

**ARTICLE II Adoption of Unredeemed, Seized Dogs (§ 115-5 - § 115-5)**

Pursuant to Article 7 of the New York State Agriculture and Markets Law, the Town of Green Island, New York, hereby establishes the following adoption fee schedule for any unredeemed, seized dog which has come into the possession of the Mohawk and Hudson River Humane Society as a result of a seizure by a Town of Green Island, New York, dog control officer, title to said dog which has previously been forfeited to said Town of Green Island, New York:

A. Up to \$65 for any exceptionally talented dog, it being the obligation of the agents, servants and employees of the Mohawk and Hudson River Humane Society to determine whether any dog will be deemed to be exceptionally talented.

B. A minimum of \$15 for any other dog.

**ARTICLE III Deceased Animals (§ 115-6 - § 115-7)**

It is hereby ordered and directed that all deceased animals be removed from any public highway, street, avenue, boulevard, lane, alley, sidewalk or other public places in the Town of Green Island.

It is hereby determined to be impracticable to have the aforesaid work performed by contracts, and the Supervisor is hereby designated to have the aforesaid work performed and to sign such agreement as may be necessary therefore.

#### **ARTICLE IV**

Pursuant to Article 7, § 119, of the New York State Agriculture and Markets Law, it is a violation of the provisions of said law relative to the licensing, identification and control of dogs for:

A. Any owner to fail to license any dog.

B. Any owner to fail to have any dog identified as required by Article 7.

C. Any person to knowingly affix to any dog any false or improper identification tag or purebred license tag.

D. Any owner of any dangerous dog to fail to confine or destroy such dog upon order of any Judge or Justice as provided in § 121 of the New York State Agriculture and Markets Law (Dangerous dogs).

E. Any owner to fail to securely confine any dog as required by an order issued pursuant to § 122 or 123 of Article 7 (Protection of deer and Night quarantine, respectively).

F. Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to Article 7 of the New York State Agriculture and Markets Law.

G. Any person to furnish any false or misleading information on any form required to be filed with any municipality or the State Commissioner of Agriculture and Markets pursuant to the provisions of Article 7 of the New York State Agriculture and Markets Law or rules and regulations promulgated pursuant thereto.

Pursuant to Article 7 of the New York State Agriculture and Markets Law, it is the duty of the Town of Green Island dog control officers to bring an action against any person who has committed within the territorial limits of the Town of Green Island, New York, any violation set forth in this Article above.

It is in the best interests of the Town of Green Island to enforce the aforesaid state law and to enforce the same pursuant to any action to recover a civil penalty.

Pursuant to Article 7 of the New York State Agriculture and Markets Law, a violation of any subsection of this Article IV shall be prosecuted by an action to recover a civil penalty in the name of the Town of Green Island, New York. Any person convicted of any such violation shall be liable for a civil penalty of

not more than \$35 for each violation, except that when the person was found to have violated this article within the preceding five years, the penalty may not be more than \$65, and when the person was found to have committed two or more such violations of this article within the preceding five years, the penalty may not be more than \$125.

## **ARTICLE V**

As used in this article, the following terms shall have the meanings indicated:

### ANIMAL CONTROL OFFICER

An appointee of the Supervisor, any Police Officer and/or employee of the Department of Public Safety, who shall enforce the provisions of this Chapter and serve as a Dog Control Officer pursuant to Article 27 of the New York State Agriculture and Markets Law.

### CLERK

The Town Clerk of the Town of Green Island, who shall serve as Dog Warden, validate or issue licenses pursuant to this article, and work in concert with the Police Department of the Village of Green island to administer provisions of this Chapter.

### DIVISION OF ANIMAL CONTROL

A division of the Green Island Police Department.

### DOG

Any member of the species *Canis familiaris*.

### HARBOR

One who provides food or shelter to any dog.

#### OWNER

Any person having a right of property in a dog and any person who keeps or harbors a dog, or has it in his/her care or who acts as its custodian, and any person who permits a dog to remain on or about any premises occupied by said person.

#### PERSON

Any individual, corporation, partnership, association or other organized group of persons, municipalities or other legal entity.

#### PUBLIC SAFETY

The Town Clerk of the Town of Green Island shall manage the animal control program and work in concert with the Animal Control Officers to administer the provisions of this Chapter.

The Supervisor shall designate the Town Clerk to be the Dog Warden of the Town of Green Island and may appoint Animal Control Officers to enforce the provisions of this chapter. Animal Control Officers shall also serve as Dog Control Officers pursuant to Chapter 7 of Agriculture and Markets Law. The Town Clerk shall supervise and administer the animal control program and the enforcement of applicable provisions and laws.

#### **The duties of the Animal Control Officer/Dog Control Officer shall be as follows:**

A. Enforcement of the provisions of the article governing the running of dogs at large.

B. Enforcement of the provisions of this chapter and other ordinances of the Town and laws of the state governing the licensing of dogs by their owners.

- C. Investigate and prioritize dog-related complaints from Town residents.
- D. Investigate allegations of cruelty to dogs.
- E. Investigate reports where humans or animals have been bitten by a dog.
- F. Capture and impound dogs running at large.
- G. Routine dog license checks.
- H. Patrol the Town as directed.
- I. Issue summonses and warning tickets for dog control and canine waste violations.
- J. Collection and disposal of dead dogs.
- K. Preparation of reports documenting incidents and investigations of any of the above.
- L. Enforce all other provisions of the Town Law relating to animals.

Hurt, stray or unaccompanied dogs picked up by an Animal Control Officer will be properly transported to the appropriate location: contracted shelter, a veterinary hospital, or the owner of the dog.

All dogs shall be humanely cared for by an Animal Control Officer until they can be reunited with their owner or transported to the appropriate facility.

The Division of Animal Control shall use sound discretion to establish the order of priority for responding to complaints from citizens about dog-related cases.

This article shall supersede any and all the provisions of ordinances, rules or regulations previously enacted or promulgated which are inconsistent with the provisions of this article.

If any provision of this article or its application thereof to any person or circumstance is held invalid, the validity of the remainder of the provisions of this article and the application thereof to other persons and circumstances shall not be affected thereby.

#### **ARTICLE VI**

A. There is hereby established and imposed a local municipal license fee in the amount of \$10 for all dogs in addition to such other fees as may be imposed by statute.

B. Dogs owned by one or more persons each of whom is 65 years of age or older are exempt from payment of this fee.

#### **ARTICLE VI A**

A. Each dog seized in accordance with the provisions of this chapter shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

B. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this chapter, and further provided that the owner pays the following impoundment fees:

(1) For the first impoundment of any dog owned by that person: \$65; and

(2) For the second impoundment, within one year of the first impoundment, of any dog owned by that person: \$65 for the first 24 hours or part thereof and \$20 for each additional 24 hours or part thereof; or

(3) For the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person: \$100 for the first 24 hours or part thereof and \$35 for each additional 24 hours or part thereof.

#### **ARTICLE VII Vicious Dogs (§ 115-22 - § 115-29)**

As used in this article, the following terms shall have the meanings indicated:

ENCLOSURE

A fence of at least six feet in height or other structure, such as a pen, forming or causing an enclosed area suitable to prevent the entry of young children, or any part of their bodies, and suitable to confine vicious dogs in conjunction with other measures which may be taken by the owner or the keeper, such as the tethering of a vicious dog. Such "other structure" shall be securely enclosed and locked and designed with secure sides, top and bottom, and shall be designed to keep the animal from escaping therefrom. If the pen or "other structure" has no bottom secured to the sides, the sides must be embedded in the ground no less than one foot.

#### IMPOUNDED

Taken into custody of the public pound used by the Town of Green Island.

#### PERSON

A natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

#### VICIOUS DOG

A. Any dog:

(1) Which, when unprovoked, approaches a person in a vicious or terrorizing manner in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places;

(2) With a known propensity, tendency or disposition to attack unprovoked, cause injury or otherwise endanger the safety of human beings or domestic animals;

(3) Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal or household pet without provocation on public or private property; or

(4) Owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting.



B. No dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. If the trespass is determined to be of an innocent nature, the court may, depending on the circumstances, and in accordance with the procedures set forth in herein, find the dog to be vicious.

C. No dog may be declared vicious if it is used by law enforcement officials for law enforcement work.

D. An animal control officer who has probable cause to believe that a dog is vicious, as defined in this article, shall immediately demand that possession of the dog be forthwith relinquished to said animal control officer, who shall impound said dog and notify the owner of said impoundment. The owner of such dog may request the Town Court to conduct a hearing within 15 days to determine if the dog is vicious. Upon such request, the Town Court shall provide for the hearing within five days. At such hearing all interested persons shall have the opportunity to present evidence on the issue of the dog's viciousness. If no such hearing is requested within 15 days from the notification of the dog's impoundment, the dog shall become the property of the Town.

E. After a finding that a dog is vicious as defined in this article it is in the Court's discretion to order the dog destroyed or return the dog to the owner upon satisfaction of the following conditions:

(1) The owner obtained general liability insurance in the amount of \$100,000 for any injury, which the dog may cause, naming the Town of Green Island as an additional insured for the purpose of receiving notification of termination. It shall be the duty of said dog owner to maintain such insurance policy in force so long as the dog shall be present in the Town of Green Island.

(2) The owner shall obtain from the Town Clerk the appropriate collar designating the dog as dangerous. Said collar shall remain on the dog at all times.

(3) The owner shall obtain a leash and muzzle for said dog. Such leash shall have a maximum length of three feet and shall have a minimum tensile strength of 300 pounds. It shall be unlawful at all times thereafter to allow said dog to leave the owner's home or secure enclosure as defined herein upon the owner's property unless said dog is muzzled, collared and tethered and under the control of a person at least 18 years of age.

(4) Registration. The Town Clerk or his/her designee shall require the owner of a vicious dog to register such dog with the Town Clerk. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and any other identifying marks of the dog, the location where

the dog is kept if not at the address of the owner and any other information which the Town Clerk or his/her designee shall require. The application for registration pursuant to this subsection shall be accompanied by a registration fee of \$40. Each dog registered pursuant hereto shall be assigned an official registration number by the Town Clerk. Such registration number shall be tattooed at the owner's expense in the manner prescribed by the Town Clerk. The certificate of registration shall be of such form and design and shall contain such information as the Town Clerk shall prescribe and shall be issued to the owner upon payment of the registration fee and presentment of sufficient evidence that the owner has complied with all the orders of the Town Clerk as prescribed at the determination hearing.

(5) The owner shall display a sign on the premises warning that there is a vicious dog on the property. This sign shall be visible and capable of being read from the public highway or street.

(6) The owner of the dog shall have the dog sterilized.

(7) The dog shall not be returned to any person under the age of eighteen (18.)

F. An animal control officer who has probable cause to believe that a vicious dog is being possessed in violation of this article shall immediately demand that possession of the dog be forthwith relinquished to said animal control officer, who shall impound said dog until the article has been complied with and all fines paid.

G. If any vicious dog causes injury to a person or domestic animal or damage to property while out of or within the enclosure of the owner of the dog or while off the property of the owner, whether or not the vicious dog was on a leash and securely muzzled or whether the vicious dog escaped without the fault of the owner, the owner shall be liable to the person aggrieved by the injury for all damages sustained, to be recovered in a civil action.

H. The owner shall notify the Town Clerk within 24 hours if a vicious dog is loose, unconfined, has attacked another animal, has attacked a human being or has died.

I. No person shall own or harbor any dog for the purpose of dogfighting or shall train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.

J. No person shall possess with intent to sell, offer for sale, give away, breed, buy, attempt to buy or receive as a gift within the Town any vicious dog.

K. Any person violating the provisions of this article shall be punished by a fine of not less than \$100.00 nor more than \$250.00 or 15 days in jail, or both. Each separate offense shall constitute an additional violation.

L. Any person found guilty of violating this article shall pay all expenses, including shelter, food and veterinary expenses, necessitated by the seizure of any dog for the protection of the public and such other expenses as may be required for the destruction of such dog.

M. The provisions of this article shall not supersede, but rather shall be supplementary to, the provisions of law contained in Article 7 (§ 106 et seq.) of the Agriculture and Markets Law and any other applicable ordinance, rule or regulation.

#### **ARTICLE VIII** Farm Animals

The purpose of this article is to protect the residents of the Town of Green Island from nuisance by animals usually known as farm animals or fowl. The keeping or harboring of farm animals within the Town of Green Island is incompatible with urban life.

No person shall keep, harbor, or shelter any farm animal or fowl within the Town of Green Island. For purposes of this article, farm animal or fowl shall include cows, cattle, horses, ponies, donkeys, mules, pigs, goats, sheep, chickens, ducks, geese, or other animals or fowl usually known as "farm animals or fowl," but not solely limited to the aforementioned and not including common household pets.

#### **Article IX**

Any person who shall violate any provision of this Article shall be guilty of a violation punishable by a fine of not less than \$100.00 nor more than \$250.00 for each day on which said violation continues, unless a greater fine is otherwise provided for herein.

This local law shall take effect upon filing with the Office of the Secretary of State.