

## LOCAL LAW NO. 1 OF 2015

### A LOCAL LAW RELATING TO THE CONTROL, CONFINEMENT AND LEASHING OF DOGS

#### SECTION 1. Purpose

The Town Board of the Town of Granville finds that the running at large and other uncontrolled behavior of licensed and unlicensed Dogs has caused physical harm to persons and damage to property, and has created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of Dogs within the Town of Granville.

#### SECTION 2. Authority

This local law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York and Section 10 of the New York State Municipal Home Rule Law.

#### SECTION 3. Title

The title of this law shall be, "Dog Control Law of the Town of Granville."

#### SECTION 4. Definitions

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. **At Large.** An unleashed Dog not under control of the owner and off the premises of the owner.

C. **Confined.** That such animal is securely confined or restrained and kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire, or other effective tether of such length and so arranged that the animal cannot reach or endanger any person not on the owner's premises or any adjacent premises or any public street, 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.

D. **Dangerous Dog.** Any Dog meeting the definition of "dangerous dog" contained in Article 7 of the Agriculture and Markets Law.

E. **Dog.** Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

F. **Dog Control Officer.** Any person authorized by the Town Board of the Town of Granville from time to time to enforce the provisions of this local law or the provisions of the Agriculture and Markets Law, or any authorized agent or employee of an incorporated humane society or similar incorporated Dog protective association under contract with the Town to assist in the enforcement of this Local Law.

G. **Harbor.** To provide food or shelter to any Dog.

H. **Identification Tag.** A tag issued by the Town of Granville or other licensing municipality which sets forth an identification number, together with the name of the municipality, the State of New York, contact information, including telephone number for the municipality, and such other information as the licensing municipality deems appropriate.

I. **Owner.** The party purchasing the Dog's license, unless the Dog is or has been lost, and such loss reported to the Dog warden and reasonable search has been made. If a Dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation, who or which owns or has custody or control of, harbors, or is otherwise responsible for said Dog at the time that it 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 an owner of such Dog for the purpose of this local law. In the event that any Dog found to be in violation of this local law shall be owned by a minor, the parent or guardian of said minor who lives in 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.

J. **Person.** Any individual, corporation, partnership, limited liability company, association or other organized group of persons, municipality, or other legal entity.

K. **Public Property.** Property owned by the Town of Granville.

L. **Recreational Areas.** Recreational areas shall mean any real property owned by the Town of Granville which is used for recreational purposes by the public; including, but not limited to, parks or playgrounds.

M. **Run at Large.** Run at large shall mean to be on private lands without the knowledge, consent and approval of the owner of such lands.

N. **School Premises.** Any real property situate within the Town of Granville which is used for educational purposes or purposes incidental thereto.

O. **Town.** Shall designate the area within the corporate limits of the Town of Granville which lies outside the corporate limits of the Village of Granville.

P. **Town Board.** The Town Board of the Town of Granville.

## **SECTION 5. Restrictions**

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

A. Run at large, unless the Dog is restrained by an adequate leash or unless it is 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 company of a hunter or hunters shall be considered as accompanied by its owners.

B. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such Dog.

C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of such Dog.

D. 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 while on public property, or while on private property other than property of the owner or harborer of said Dog.

E. Habitually chase, run alongside of or bark at motor vehicles, motorcycles, bicycles, runners or pedestrians while on a public street or highway, on public property or on private property other than property of the owner or harborer of said Dog.

F. Create a nuisance by digging on public property or by defecating, urinating or digging on private property other than property of the owner or harborer of said Dog.

G. Be unlicensed in violation of Town of Granville Local Law 1-2011, or any Town of Granville local law amendatory thereof or supplemental thereto.

H. Not have a valid Town identification tag on its collar while at large, whether or not leashed.

Establishment of the fact or facts that a Dog has committed any of the acts prohibited by Section 5 of this local law shall be presumptive evidence against the owner or harborer of such Dog that he has failed to properly confine, leash or control his Dog.

## **SECTION 6. Enforcement**

This local law shall be enforced by any Dog control officer or peace officer when acting pursuant to his special duties.

## **SECTION 7. 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.

### **SECTION 8. Seizure, Impoundment, Redemption and Adoption**

A. Any Dog found in violation of the provisions of this local law local law may be seized pursuant to the provisions of the Agriculture and Markets Law.

B. Any Dog believed to be dangerous and which poses an immediate threat to the public safety may be seized.

C. Any Dog may be seized, which has been judged to be a Dangerous Dog pursuant to New York State Agriculture and Markets Law and whose owner has failed to obey a court order pertaining to such Dangerous Dog.

D. Every Dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in the Agriculture and Markets Law.

E. 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 by paying the impoundment and other applicable fees then in effect pursuant to Section 4 of Town of Granville Local Law 2 of 2011, as set forth on the most recently adopted Table A to said local law.

F. If the owner of any unredeemed Dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (C) of this Section whether or not such owner chooses to redeem his or her Dog.

G. Any Dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of the Agriculture and Markets Law.

### **SECTION 9. Non-Liability.**

No action shall be maintained against the Town, any Dog control officer or peace officer when acting pursuant to his special duties, or any other agent or officer of the Town or person under contract to 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 10. Appearance Ticket**

Any Dog control officer, peace officer when acting pursuant to his special duties, or police officer in the employ of or under contract of the Town observing a violation of this local law in his presence may issue and serve an appearance ticket for such violation.

## **SECTION 11. Complaint**

A. Any person who observes a Dog in violation of this local law (including, without limitation, a Town-designated Dog control officer or agency, peace officer acting pursuant to his special duties, Town Constable, or other person under contract to the Town for the enforcement of this local law) may file a complaint under oath with a Town Justice specifying the nature of the violation, the date thereof, a description of the Dog and the name and residence, if known, of the owner of the Dog.

B. Upon receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that a violation of this local law has been committed, he may impose a penalty upon the violator as provided in Section 12 of this local law; and if he finds that further action is warranted, he may also order:

1. The Dog to be declared a vicious or dangerous Dog, to be restrained by collar and leash at all times whether on or off the owner's property.
2. The Dog to be confined to the premises of the owner.
3. Such other remedy as may be warranted by the circumstances in such case.

C. A violation of any order issued by a Town Justice under the provisions of this Section 11 shall be an offense punishable, upon conviction thereof, as provided in Section 12 of this local law.

## **SECTION 12. Penalties**

Upon conviction, a violation of this local law shall be deemed an offense and punishable by a fine not exceeding One Hundred Dollars (\$100.00) for the first offense, and Two Hundred and Fifty Dollars (\$250.00) for each offense thereafter; or imprisonment for not more than fifteen (15) days, or both.

## **SECTION 13. Disposition of Fines.**

Notwithstanding any other provision of law, all moneys collected as fines or penalties by the Town of Granville as a result of any prosecution for violations of the provisions of this Local Law, Town of Granville Local Law 1-2011, or Article 7 of the Agriculture and Markets Law, and all bail forfeitures by persons charged with such violations shall be the property of the Town of Granville and shall be paid to the Town Supervisor. Such moneys shall be used only for controlling Dogs and enforcing the Town's Local Laws governing the Licensing, Control, Confinement and Leashing of Dogs. Said revenue may also be used to subsidize (a) the spaying or neutering of Dogs, (b) any facility as authorized under Article 7 of the Agriculture and Markets Law, and (c) subsidizing public humane education programs in responsible Dog ownership.

#### **SECTION 14. Enforcement by Town Attorney**

The imposition of the penalties herein prescribed shall not preclude the Town Attorney from instituting an appropriate action or proceeding to obtain injunctive relief against any owner of a Dog which violates the provisions of this law.

#### **SECTION 15. 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 Granville on a monthly basis:

- A. A listing of all complaints, including the name, address and phone numbers of each complainant and the type of complaint and the resolution of each complaint.
- B. A separate log of each official action taken in each case.
- C. A daily mileage log, broken down into gas, mileage and oil usage.
- D. The number of Dogs impounded.
- E. The number of Dogs redeemed by their owner.
- F. A list of all expenditures incurred by the Dog control officer.
- G. The gross receipts collected by the Dog control officer.

#### **SECTION 16. Severability**

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 17. Repealer**

This local law shall supersede Town of Granville Local Law 1-1999 and it shall be, upon the effectiveness of this local law, null and void.

This repeal shall not affect or impair any act done or offense committed or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may be enforced or prosecuted as fully and to the same extent as if such repeal had not been effected. Furthermore, all actions and proceedings commenced under or by virtue of the law repealed hereby and pending immediately prior to the taking effect of the repeal of said law may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

**SECTION 17. Effective Date**

This local law shall take effect immediately upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law of the State of New York.

BE IT ENACTED, this \_\_\_\_ day of \_\_\_\_\_, 2015 by the Town Board of the Town of Granville, of Washington County, New York.

\_\_\_\_\_  
MATTHEW HICKS, Supervisor

\_\_\_\_\_  
MARY EMERY, Councilwoman

\_\_\_\_\_  
THOMAS COSEY, Councilman

\_\_\_\_\_  
MATTHEW RATHBUN, Councilman

\_\_\_\_\_  
KENNETH QUICK, Councilman

SEAL

ATTEST:

\_\_\_\_\_  
JENNY LINDA MARTELLE, Town Clerk