

**LOCAL LAW #2 OF 2023
LICENSING, REGULATING AND CONTROLLING THE ACTIVITIES OF DOGS
TOWN OF GREENVILLE**

Be it enacted by the Town Board of the Town of Greenville, County of Greene, New York:

SECTION 1. PURPOSE.

The Purpose of the law shall be to preserve public peace and good order in the Town of Greenville 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 of Greenville. Further it necessary to enact a local law to address the licensing of dogs in lieu of the State of New York's recent mandate that dog licensing become a local government function on January 1, 2011. 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 person, property, and domestic animals from dogs.

SECTION 2. DEFINITIONS.

AT LARGE - The term at large shall mean an unleashed dog off the premises of the owner.

CUSTODIAN - person having possession or guardianship of any dog who is not the owner of the dog.

DOG - includes male and female, licensed and unlicensed members of the species *Canis familiaris*.

DOG CONTROL OFFICER – any individual appointed by the Town of Greenville to enforce any and all New York State Agriculture and Markets Laws and Local Laws regulating animals, including dogs.

HARBOR- to provide food and/or shelter to any dog.

IDENTIFICATION TAG - tag issued by the Town of Greenville which sets forth the identification number assigned to a specific dog and such other information as the Town of Greenville deems appropriate.

IDENTIFIED DOG - any dog carrying an identification tag as required by this Local Law.

LEASHED - restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

LICENSE EXPIRATION DATE - the expiration date as noted on the dog license issued by the Town of Greenville.

OWNER – any person who keeps, harbors, or has custody, care or control of a dog. Dogs owned by minors shall be deemed to be in custody and control of parents or other head of the household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this local law.

OWNER OF RECORD- the person in whose name any dog was last licensed pursuant to this local law, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. Any person owning or harboring a dog for a period of one (1) week in the Town of Greenville shall be held and deemed the owner of such dog for purposes of this Local Law.

POLICE WORK DOG- means any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

PUREBRED LICENSE - means dogs that are purebred and registered by a recognized registry association to that owner

SERVICE DOG- means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

TOWN CLERK - the Clerk of the Town of Greenville, where dog licenses are validated or issued pursuant to this Local Law.

SECTION 3. LICENSING OF DOGS

A. All dogs within the Town of Greenville four (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 or the Dog Control Officer, a dog license application together with required supporting documentation, the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Greenville. 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 must be renewed prior to the expiration date thereof. The Town of Greenville hereby specifically opts out of the option to allow any licensed chapter of the Humane Society to issue licenses within the Town.

B. In the event that the expiration date of a rabies vaccination for a dog is greater than 24 months from the date of the purchase of the dog license, the owner shall have the option to purchase a 2-year license for a fee equivalent to two single years. There shall be no refund if any reason, the license is no longer needed during the two-year effective period.

C. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

D. All licenses shall expire on the last day of the last month for which it is issued.

E. The owner of any dog shall notify the Town Clerk of a change of address, ownership, death or loss of their licensed dog.

F. Upon the submission of a dog license application, all required documentation and payment of the required license fee, a Town of Greenville dog license identification tag will be provided to the owner of the dog. The identification tag must be affixed to a dog collar and worn by the dog at all times.

G. For those owners who fail to renew a dog license the Town Clerk or Dog Control Officer shall mail a late renewal fee invoice and warning that failure to renew the license within a specified time may result in the issuance of a late fee or court appearance ticket. The application fee for renewal of a dog license which has expired for a period in excess of 30 days or not renewed within 15 days of the date of the aforementioned late notice shall be \$25.00 in addition to the standard base fee for such renewal. Additionally, the late fee for a purebred license shall be \$50.00 in addition to the standard base fee for such renewal.

H. Any dog harbored within the Town of Greenville which is owned by a resident of New York City and licensed by the City of New York, or which is owned by a non-resident of New York 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 4. LICENSING FEES

A. License fee for spayed/neutered Dog: \$9.00 + NYS Surcharge \$1.00 = \$10.00

B. License fee for un-spayed/un-neutered Dog: \$17.00 + NYS Surcharge \$3.00 = \$20.00

C. License fee for purebred \$50 up to 10 dogs \$100 11-25 dogs \$200 over 25 dogs
The owner may procure at his/her expense duplicate tags with the same number and information as the purebred license tag issued by the Clerk

D. License fee for dogs owned by person over the age of 64 shall be a total of \$7.00 for spayed/neutered dogs and a total of \$17.00 for un-spayed/unneutered dogs.

E. There shall be no fee for licensing of service dogs or police dogs.

SECTION 4. PRESUMPTION OF NON-LICENSURE

Establishment of the fact or facts that the owner of a dog failed to properly license and identify his/her dog as licensed shall be presumptive evidence that the owner or person harboring said dog is not in compliance with the provisions of this Local Law.

SECTION 5. CONTROL OF DOGS

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

A. Become a Dangerous Dog as that term is defined in the NYS Agriculture and Markets Law §123. The terms, conditions, process and procedure set forth in said law are hereby adopted and shall be enforced as required therein.

B. Engage in habitual loud howling, barking or whining or to conduct itself in such manner as to habitually annoy any person other than the owner or harbinger of the dog.

- C. Cause damage or destruction to public or private property, defecate, urinate, or otherwise commit a nuisance upon public or private property not owned or leased by the owner or harbinger of the dog.
- D. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- E. Chase, leap on or otherwise harass persons riding bicycles or motor vehicles being driven.
- F. Kill or injure any dog, cat, or other household pet.
- G. Be unlicensed when four (4) months of age or older.
- H. To **NOT** have a current and valid New York State identification tag on its collar while at large, whether or not restrained by an adequate leash.
- I. To be at large in the Hamlet Residential (HR) District, the Hamlet Business (HB) District or on any school premises or recreational areas, town park or on town sidewalks, unless said dog is adequately restrained by a leash except in areas that shall be designated by the Town Board of the Town of Greenville by resolution, and
- J. Dogs actually used for the sport of hunting shall be allowed to run at large while engaged in the sport of hunting provided said dogs are under the control of their owner or other responsible person and further provided said dogs are on property with the knowledge and consent of the owner of said property.
- K. Female Dogs. All female dogs shall be confined to premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the doge seized by the Dog (Animal) Control Officer and removed to a safe place of confinement.

SECTION 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. Upon conviction of the owner or harbinger for failure to provide adequate food, water or space, the dogs become the property of the Town of Greenville to be released to an authorized humane society, veterinary, or kennel for adoption or euthanasia.

SECTION 7. SEIZURE OF DOGS; REDEMPTION PERIODS; IMPOUNDMENT FEES

A. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Greenville shall seize:

- (i) any dog which is not identified and which is not on the owner's premises;
- (ii) any dog which is not licensed, whether on or off the owner's premises;

(iii) any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous;

(iv) any dog found to be without vaccination for rabies; and

(v) any dog which poses an immediate threat to the public safety.

B. Any dog control officer in the employ of or under contract to the Town of Greenville may seize any dog in violation of this local law or any other local law of the Town of Greenville relating to the control of dogs.

C. Upon taking custody of any animal, the Dog Control Officer shall make record of the matter. The record shall include date of pick up, breed, general description, sex, identification numbers, time of pick up, location of seizure and name and address of owner, if any.

D. Each dog which is not identified, whether or not licensed, shall be held for a period of at least 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 local and further provided that the owner pays the following impoundment fees:

(i) the costs associated with the shelter including any cost to the Town charged by the Humane Society or other sheltering contractor, feeding, and care of the dog, plus an impoundment fee of \$35.00 for each day or any part thereof and \$100.00 for the first impoundment of any dog owned by that person; and

(ii) the costs associated with the shelter including any cost to the Town charged by the Humane Society or other sheltering contractor, feeding, and care of the dog, plus an impoundment fee of \$35.00 for each day or any part thereof and \$200.00 for the second or any subsequent impoundment, within one year of the first impoundment, of any dog owned by that person.

E. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. Such dog shall be held for a period of five (5) days after the date of the mailing or personal notice, during which period the dog may be redeemed by the owner. The owner may redeem such dog only upon payment of the impoundment fees prescribed above and by producing proof that the dog has been duly licensed.

F. An owner shall forfeit title to any dog unredeemed at the expiration of the five-day redemption period, and the dog shall then be made available for adoption.

G. If a dog is injured, neither a member of the public nor any official is authorized to bring the injured dog to any pound or shelter. The dog may be taken to a veterinarian by the DCO or an authorized designee and the Town shall reimburse such veterinarian for any services rendered to such dog up to an amount not to exceed \$200.00 (Two Hundred Dollars).

SECTION 8. FILING COMPLAINTS. Any person who observes a dog in violation of any Section of this law, may file a signed complaint, under oath, with a justice of the Town of Greenville or with the authorized Dog Control Office or any peace officer, specifying the violation, the date of violation, the damage caused and including the places violation occurred, and name and address of the dog owner, if known.

SECTION 9. ENFORCEMENT. Any person or persons who are or may be lawfully authorized by the Town of Greenville, shall and all peace officers may administer and enforce the provisions of this law, and for the purpose shall have the authority to issue summons or appearance tickets and to seize dogs either on or off the owner's premises, if witnessed to be in violation of this law.

SECTION 10. VIOLATIONS

A. It shall be a violation, punishable as provided in subdivision C of this section, for:

- (i) any owner to fail to license any dog;
- (ii) any owner to fail to have any dog identified as required by this local law;
- (iii) any owner to fail to renew a dog license on or before the license expiration date;
- (iv) any person to knowingly affix to any dog any false or improper identification tag;
- (v) any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose or violate any other provision of to this local law;
- (vi) any person to furnish any false or misleading information on any form required to be filed with the Town of Greenville pursuant to this local law; and
- (vii) any person to fail to reimburse the Town for all costs incurred by the Town, including but not limited to veterinarian fees and sheltering or Humane Society fees, within 15 days of demand for payment thereof from the Town, regardless of whether the dog is redeemed.

B. It shall be the duty of the Dog Control Officer to bring an action against any person who has committed any violation set forth in this local law pursuant to the Penal Law of the State of New York. Every Dog Control Officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of this article. Any Dog Control Officer of the Town of Greenville may serve any process, including an appearance ticket, a uniform appearance ticket and a uniform appearance ticket and simplified information, related to any proceeding, whether criminal or civil in nature undertaken in accordance with the provisions of this article or any local law or ordinance promulgated pursuant thereto. In addition, any Dog Control Officer, upon his or her determination that an owner has failed to license any dog within the Town may impose an administrative fee in accordance with the levels set forth in paragraph 7. C. below.

C. A violation of this section shall be punishable as follows:

- (i) by a fine of not less than fifty (\$50.00) dollars nor more than two hundred and fifty (\$250.00) dollars, except that
- (ii) when the person was found to have violated any part of this section within the preceding five years, the fine may be not less than one hundred (\$100.00) dollars nor more than \$250.00 dollars, and
- (iii) where the person was found to have committed two or more such violations of any part of this section within the preceding five years, the fine may be not less than one hundred and fifty (\$150.00) dollars or more than four hundred (\$400.00) dollars;
- (iv) regardless of the number of violations, any person who shall be responsible for veterinarian fees, sheltering fees or Humane Society fees as set forth above must also make full imbursement to the Town as part of the sentencing herein

SECTION 11. INTERFERENCE WITH OFFICERS.

Any person who shall interfere with or obstruct any animal control officer, police officer and any officer or agent of a duly incorporated society for the prevention of cruelty to animals shall be guilty of a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than one thousand (\$1,000.00) dollars or both.

SECTION 12. NON-LIABILITY OF TOWN. The owner or harbinger of any dog so destroyed under the provisions of this law, whether destroyed by Dog Control Officer, 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.

SECTION 13. AUTHORITY AND EFFECTIVE DATE. This law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of New York State, Section 10 of the Municipal Home Rule Law and New York Agriculture and Markets Law Part T of Chapter 59 of the Laws of 2010. This law shall take effect immediately.

SECTION 14. SUPERSESSION AND REPEALER. This Local Law supersedes and repeals Local Law #4 of 2018.