

# Dog Control Law of the Town of Groton

A local law relating to the control of dogs within the Town of Groton.

Be it enacted by the Town Board of the Town of Groton as follows:

## **Section 1. Purpose**

The purpose of this Local Law is to promote the public health, safety and welfare of the Town of Groton, including the protection and preservation of property within the Town and its inhabitants and of the peace and good order therein, by regulating and controlling the activities of dogs within the Town and providing for the enforcement thereof.

## **Section 2. Authority**

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

## **Section 3. Title**

The title of this Local Law shall be, "Dog Control Law of the Town of Groton."

## **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) Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.
- c) Owner. The party purchasing the license, unless the dog is or has been lost, and such loss has been reported to the proper authorities and a reasonable search has been made. If a dog 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 or 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 18 years of age), 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 said dog and violation of this Local Law.
- d) Town. Shall designate the area within the corporate limits of the Town of Groton.
- e) Harbor. To provide food or shelter to any dog.

## **Section 5. Prohibited Acts**

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

- a) Not to be restrained by an adequate collar and leash unless it is accompanied by its owner or a responsible person able to control it by command, when not on the property of the owner.
- b) Engage in habitual loud howling, barking, crying or whining or conducts itself in such a manner so as to unreasonably and habitually annoy and/or disturb any person other than the owner of such dog.
- c) Cause damage or destruction to property or defecates, urinates or digs or otherwise commits a nuisance other than on the property of 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.
- e) Chase, run alongside of, bark at or otherwise harasses any motor vehicle, motorcycle, bicycle, carriage or any other vehicle or device used by persons for travel or any riders or occupants thereof while said vehicle or device is on a public highway or private property other than property of the owner of said dog. For purposes of this section, a horse or other animal shall be considered a vehicle or device.
- f) Not wear a valid and current New York State dog license while off of the property of the owner of said dog, whether or not restrained by an adequate collar or leash.
- g) Be unlicensed at the age of four (4) months or older, or be unlicensed due to failure to renew a dog license pursuant to Section 9 of this law.

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 harbinger of such dog that he/she has failed to properly confine, leash or control his/her dog.

## **Section 6. Enforcement/Appearance Ticket**

Any person or persons, who are or may be lawfully authorized by the Town, shall, and all peace officers may, administer and enforce the provisions of this Local Law, and for such purpose shall have the authority to issue appearance tickets.

## **Section 7. Seizure, Impoundment, Redemption and Adoption**

- a) Any dog found in violation of any of the provisions of Section 5 of this Local Law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.
- c) 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:
  - i) Twenty dollars (\$20.00) for the first impoundment of any dog owned by that person;

- ii) Thirty dollars (\$30.00) for the first twenty-four hours or part thereof and three dollars (\$3.00) for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
  - iii) Fifty dollars (\$50.00) for the first twenty-four hours or part thereof and three dollars (\$3.00) for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.
- d) 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/her dog.
  - e) Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provision of Section 118 of the Agriculture and Markets Law.
  - f) No action shall be maintained against the Town or any person or persons lawfully authorized by the Town when performing duties pursuant to this Local Law 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 8. Complaint**

- a) Any Town-designated Dog Control Officer or Agency having reasonable cause to believe that a violation of this Local Law has been committed in his/her presence shall issue and serve upon such person an appearance ticket for such violation.
- b) Any person who observes a dog in violation of this Local Law may file a complaint, under oath, with a Town-designated Dog Control Officer or Agency specifying the nature of the violation, the date thereof, a description of the dog, the location of the violation and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.
- c) Upon receipt by the Town-designated Dog Control Officer or Agency of any such complaint, that Officer or Agency shall issue an appearance ticket to the alleged owner of the dog to appear before the Groton Town Court at a date and time specified.

#### **Section 9. Licensing and Fees**

- a) Pursuant to the Agriculture and Markets Law and this Local Law, all dogs in the Town must be licensed once the dog is four (4) months old and said license must be renewed annually thereafter.
- b) Pursuant to the provisions of Agriculture and Markets Law, Section 110, Part 4a the additional "local" fee to be collected by the Town Clerk shall be \$7.50. Said fee shall be in addition to those "statutory" fees set by Agriculture and Markets Law, Section 110, Part 1a and the "Animal Population Control" fee set by Agriculture and Markets Law, Section 110, Part 4c.

- c) In addition, pursuant to the Agriculture and Markets Law, Section 110, Part 4d, and this Local Law, the Town shall collect an additional \$5.00 for dogs identified as unlicensed during a dog enumeration. This fee is to be collected at the time of licensing and is in addition to the statutory and local licensing fees and the Animal Population Control Fee. This fee need not be reported to the State of New York by the Town, but must be used for dog control in the municipality.

### **Section 10. Penalties**

- a) A plea or conviction of a violation of this Local Law shall be prosecuted pursuant to penal law, by a fine of not more than twenty-five dollars (\$25), except:
- b) Where a person is found to have violated this Local Law within the preceding five years, the fine may be not more than fifty dollars (\$50) and
- c) Where the person is found to have violated this Local Law 2 or more times within the preceding five years, it shall be punishable by a fine of not more than one hundred dollars (\$100) or imprisonment for not more than fifteen (15) days, or both.

### **Section 11. Separability**

If any section, paragraph, subdivision, clause, phrase or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of the Local Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

### **Section 12. Repealer**

This Local Law shall supersede all prior Local Laws, ordinances, rules and regulations relative to the control, licensing and fee schedules of dogs within the Town and they shall be, upon the effectiveness of this Local Law, null and void.

### **Section 13. Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.