

DOG CONTROL

Chapter 35

Dog Control

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§ 35-1. Purpose.

The Town Board of the Town of Galway finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have 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 and regulations upon the keeping and running at large of dogs and the seizure thereof within the Town.

§ 35-2. Licensing of Dogs.

The Town Board of the Town of Galway hereby enacts this Local Law for the purpose of establishing a local fee in an amount as set forth from time to time by resolution of the Town Board on all dog licenses issued within the Town of Galway.

- (a) All dogs in the Town of Galway must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- (b) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

- (c) Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$8.00 (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control). The fee for an unsprayed or unneutered dog will be \$16.00 (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control). Fees shall be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (d) Purebred Licenses: The Town of Galway will not be issuing Purebred Licenses. All dogs will be licensed individually as per fee system stated above.
- (e) Service Dogs: The Town of Galway will require a license for any guide dog, service dog, hearing dog or detection dog as those terms are defined by § 108 of the Agriculture and Markets Law, however no license fee shall be charged.
- (f) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed at the time the enumeration is conducted.
- (g) The Town of Galway shall contract with the Saratoga County Animal Shelter to license dogs adopted by residents of the Town of Galway.
- (h) All dog licenses may be purchased by visiting the office of the Town Clerk or by regular mail. When licensing or renewing a license by mail, the appropriate fee must accompany the forms. Fees are non-refundable.

§ 35-3. Authority.

This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59; Part T) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

§ 35-4. Title.

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

§ 35-5. Definitions of Terms.

As used in this Local Law the following words shall be the following respective meanings:

- (a) "Dog" - Male and female, licensed and unlicensed, member of the species *Canis familiaris*.
- (b) "Owner" - A person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the Dog Control Officer and a 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 at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog 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 filing of any complaint charging a violation of this Local Law, shall be held in and deemed to be the "owner" of such dog for the purpose of this Law. In the event that the "owner" of any dog found to be in violation of this Law is found to be under eighteen (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 Law.
- (c) "Run At Large" - Any dog which is unleashed and on property open to the public or which 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 to be "at large" if it is a Service Dog, Seeing Eye Dog or Guide Dog trained to aid the disabled and actually in use for such purpose.
- (d) "Dog Control Officer" - A person or persons appointed by the Town of Galway for the purpose of enforcing this Local Law.
- (e) "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.
- (f) "Town" - The Town of Galway.

§ 35-6. 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 as defined in this Local Law. For the purpose of this Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Engage in habitual and 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 without the consent or approval of the owner thereof.
- (d) Bite, chase, jump up on 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) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
- (f) Create a nuisance by defecating, urinating or digging on public property or on private property without the consent or approval of the owner of such property.
- (g) Kill or injure any dog, cat or other domesticated animal.
- (h) Be unlicensed when four (4) months of age or older.
- (i) Not have a current and valid New York State license tag on its collar while at large, whether or not restrained by an adequate leash.

§ 35-7. Seizure of dogs; fees.

Dogs shall be seized and impounded as follows, and the fee for seizure and impoundment of dogs in violation of Article 7 of the Agriculture & markets Law and of Subsection A of § 35-6 of this Local Law are as follows:

- A. Each dog which is not identified, whether or not licensed, shall be held for a period of five (5) 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 Article 7 of the Agriculture and markets Law; and further provided that the owner pays to the Town the impoundment and redemption fees imposed by the Saratoga County Animal Shelter and a seizure fee as provided by the Saratoga County Animal Shelter.
- B. Seizure.
 - (1) The Dog Control Officer or any peace officer shall seize:
 - (a) Any unlicensed dog whether on or off the owner's premises.
 - (b) Any dog not wearing a license tag and not identified and which is not on the owner's premises.
 - (c) Any dog found in violation of Subsection A of § 35-6 of this Local Law.
 - (2) Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law. The Dog

Control Officer or peace officer may also investigate and report to a Justice of the Town any dangerous dog as described in Article 7 of the Agriculture and Markets Law and see that the order of the Town Justice in such case is carried out.

- C. The Dog Control Officer or a peace officer observing a violation of this Local Law in his presence shall issue and serve an appearance ticket for such violation.
- D. Any person who observes a dog in violation of this Local Law may file a signed complaint under oath with the authorized Dog Control Officer or any peace officer 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 such dog, the damage caused and the place(s) the violation occurred.

§ 35-8. Recordkeeping upon seizure.

Upon taking custody of an animal, the Dog Control Officer shall make a record of the matter. The record shall include the date of pickup, the breed, and general description, the sex, identification number, time of pickup, location of release and the name and address of the owner, if any.

§ 35-9. Redemption.

If a dog seized is not wearing any license tag, it shall be held for a period of no less than five (5) days. If a dog seized is wearing a license tag, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than (7) days; if notified by mail, no less than nine (9) days. The owner of the dog shall be responsible for any impoundment fee established by the Town, plus any other expenses incurred by the municipality to humanely care for the dog. If not redeemed, the owner shall forfeit all title to the dog, and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

§ 35-10. Conditions for keeping dogs; forfeit of ownership.

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 the number of dogs on the premises. Upon conviction of the owner or harborer, the dogs become the property of the Town of Galway to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

§ 35-11. Penalties for offenses.

Except as otherwise provided by the Agriculture and Markets Law, any person convicted of a violation of this Article shall be liable to a civil penalty no exceeding fifty dollars (\$50.) for a first violation. Mandatory fines will be assessed of one hundred dollars (\$100.) for a second violation and two hundred dollars (\$200.) for each subsequent violations.

§ 35-12. Liability of Town.

The owner or harbinger of any dog destroyed under the provisions of this Local Law or the provisions of Article 7 of the Agriculture and Markets Law, whether destroyed by the Dog Control Officer or a 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.

Dangerous Animals

§ 35-13. Reporting of bite; vaccination status.

Any instance of animal biting shall be reported to the Town Dog Control Officer (DCO), regardless of the vaccination status of the offending animal. The Dog Control Officer shall then positively determine the vaccination status of all involved animals and send a notice of these findings to the Saratoga County Health Department.

§ 35-14. Confinement.

The Dog Control Officer shall then impose a confinement period on the biting animal. This confinement shall consist of a period of between ten (10) days and four (4) months, depending on the situation and the vaccination status of the involved animal.

§ 35-15. Ten-day confinement procedure.

- (a) An apparently healthy animal shall be confined in a manner approved by the Dog Control Officer intended to minimize exposure to other animals for the entire ten-day period. The animal must be confined or on a leash under immediate supervision of an adult.
- (b) If the owner refuses to confine the animal, the Dog Control Officer may immediately remove the animal to the Saratoga County Animal Shelter for the entire confinement period, at the owner's expense.
- (c) During the confinement period, the animal shall be observed for any unusual symptoms, such as changes in behavior, including aggressiveness or unusual friendliness, and for any health problems, such as paralysis in the hindquarters or throat. If any unusual Symptoms occur, the Dog Control Officer shall make a determination for further confinement or treatment.
- (d) Monitoring during the confinement period shall be done unannounced by either the Dog Control Officer or the Town Health Officer. If a noncompliance occurs, the Dog Control Officer may have the animal removed and brought to the Saratoga County Animal Shelter for the remainder of the confinement period, at the owner's expense.

§ 35-16. Four-month confinement procedure.

- A. Any domestic animal involved in an exposure to a wild animal shall have its vaccination records researched and confirmed by the Dog Control Officer. If the domestic animal is current on its rabies vaccination, a booster shot shall be required within five (5) days of exposure. Proof of revaccination shall be provided to the Dog Control Officer, or the Dog Control Officer may remove the animal to the Saratoga County Animal Shelter for observation and vaccination, at the owner's expense.
- B. If the domestic animal is not current on its rabies vaccination at the time of the exposure, the owner shall confer with the Dog Control Officer as to whether the animal should be destroyed or can be sufficiently and safely confined for a period of up to four (4) months while under regular care and inspection of a veterinary doctor. Unannounced monitoring during the confinement period shall be done by either the Dog Control Officer or the Town Health Officer. Any violation of the confinement shall be grounds for the Dog Control Officer to have the animal removed.

§ 35-17. Challenges to confinement period.

In the event that the owner of any animal shall challenge the confinement period imposed by the Dog Control Officer, the Dog Control Officer may ask the Town Health Officer for an opinion on the confinement period. In the event that there is still not concurrence, the Town Board of Health may be convened to act on the matter. The findings of the Town Board of Health shall be final.