

Town of New Haven
Local Law No. 3 of the year 2010

A local law Establishing Dog Control and Licensing Regulations for the Town of New Haven, New York.

Be it enacted by the New Haven Town Board

SECTION 1. TITLE

This Local Law shall be referred to as "A local Law No. 3 of the Year 2010, a local law establishing dog control regulations for the Town of New Haven, New York."

SECTION 2. PURPOSE

The purpose of this local law shall be to promote the health, safety, morals and general welfare of the Town of New Haven, including the protection and preservation of the property of the Town of New Haven and its inhabitants and of the peace and good order, by adopting and enforcing certain regulations and restrictions on the privileges of the owners of dogs and the rights and privileges of the residents of the Town of New Haven and by imposing restrictions upon the keeping and running at large of dogs within the Town of New Haven.

SECTION 3. DEFINITION OF TERMS

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

- a. Clerk – The clerk of the Town where the licenses are validated or issued
- b. Confined – Means 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 or any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape there from.
- c. Dog – Dog shall mean male or female, licensed and unlicensed, spayed or unspayed, neutered or un-neutered, members of the species *Canis familiaris*.
- d. Dog Control Officer – Any person authorized by the Town Board to enforce the provisions of this local law.
- e. Harbor - To provide food and/or shelter to any dog.
- f. Owner – Any person, who owns, keeps, harbors, or has the care, custody or control of a dog. Any person owning or harboring a dog for a period of one 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 the local law. In the event any dog found to be in violation of this chapter shall be owned by a minor, 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 in violation of this local law.
- g. Private Property – Any Real Property owned or leased by an owner of a dog upon which the dog is harbored.
- h. Recreational Areas – Recreational areas shall mean any real property owned by the Town of New Haven that is used for recreational purposes by the public including, but not limited to, parks or playgrounds.
- i. Restraint – A dog is under restraint if it is controlled by a leash or in the presence of a competent person not less than fourteen years of age and obedient to that person's commands, on or within a vehicle being driven or parked on the street or within the property limits of it's owner or keeper, or upon the premises of another with the consent of such other person.
- j. Run At Large – Run at large shall mean to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.
- k. School Premises – Any real property situated within the Town of New Haven that is used for educational purposes or purposes incidental thereto.
- l. Town – Town shall designate the area within the corporate limits of the Town of New Haven.
- m. Town Board – shall mean the town Board of the Town of New Haven.

SECTION 4. LICENSING OF ALL DOGS

1. The Town Clerk and or deputy town clerk are solely authorized to issue licenses for the Town of New Haven. Pounds, shelters or the Dog Control officer are not authorized to issues dog licenses for dogs redeemed or adopted.
2. The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of four months and which is not at large except as otherwise provided in this law
3. Purebred licenses will not be issued by the Town of New Haven. All dogs will be licensed individually.
4. 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.
5. A license shall be issued or renewed for a period of one year, two years or three years, provided, that no license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed. The licensing fee shall be the appropriate annual fee for each year of the license.
6. The license shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner. The Town of New Haven may also require additional information on such application as deemed appropriate. The application shall be accompanied by the license fee and a certificate of rabies vaccination, provided such certificate or affidavit shall not be required if the same is already on file with the clerk. In lieu of the rabies certificate an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that the life of the dog would be endangered by vaccinating due to old age or other reasons. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the clerk. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog.
7. The license renewal will be mailed via US Postal Service, to the last known address of the license holder, prior to the month of expiration.
8. All licenses shall expire on the last day of the last month of the period for which they are issued.
9. The annual fee for each dog license issued shall be determined by resolution of the Town Board of the Town of New Haven, provided that the total fee for an unspayed or unneutered dog shall be at least five dollars more than the total fee for a spayed or neutered dog. All revenue derived from such fees shall be the sole property of the municipality setting the same and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs. In addition to the license a fee of at least one dollar for altered dogs and at least three dollars for unaltered dogs will be charged for the purposes of carrying out animal population control efforts. License fees may be changed from time to time by resolution of the Town Board.
10. The identification number assigned to the dog by the Town of New Haven, shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times. Dogs participating in a dog show are exempt during such participation. Any owner who fails to have any dog identified as required by this law; any person who knowingly affixes to any dog any false or improper identification tag, or special identification tag for identifying guide, service or hearing dogs shall be in violation of this law
11. Enumerations shall be conducted at the discretion of the Town Board. When the Town Board determines the need for a dog enumeration, a fee set by resolution of the Town Board shall be

assessed to all dogs found unlicensed or unexpired at the time the enumeration is conducted. This fee shall be in addition to the normal licensing fee. Such additional fee shall be the property of the Town of New Haven and shall be used to pay the expenses incurred by the municipality in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the town in conducting an enumeration in any year, such excess fees may be used by the town for enforcing this law and for spaying or neutering animals, and offsetting costs associated with the provision and replacement of identification tags. Fees may be changed from time to time by resolution of the Town Board.

12. The following dogs are exempt from licensing fees:

Any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working-Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog". Proof of training and certification shall be required for any dog for which an exemption is requested.

13. One identification tag will be provided for each licensed dog when the dog is first licensed. New tags will not be issued upon renewal. Dog tags will include the name of the Town, including the state, the phone number of the Town Clerk's office, and the identification number assigned to the dog. In the event the original identification tag is lost, the owner shall, at the owner's expense replace the tag with any tag containing the required information or the Town Clerk shall, for a fee set by resolution of the Town Board, issue a new identification number to the dog and issue a tag with the new number.

SECTION 5. RESTRICTIONS

A. Except as provided in Section 6 (B) below, it shall be unlawful for any owner of any dog in the Town of New Haven 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 owner.
- 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.
- e. Habitually chase, run along of or bark at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harbinger of said dog.
- f. Create a nuisance by defecating, urinating or digging on public property or private property.
- g. Run at large when in heat, and such female dog shall be confined to the premises of such person or of a veterinarian or in a boarding kennel during such period.
- h. Be at large on any school premises or recreational areas, or the sidewalks adjacent thereto unless said dog is on a leash.
- i. Roam with one or more other dogs in a pack,
- j. Kill any domestic and/or farm animals.

B. A dog shall be permitted to run at large on its owner's private property so long as the dog can be placed under restraint should it become uncontrollable or dangerous to passersby.

C. Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section 6 of this local law shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine or leash or control his dog.

SECTION 6. ENFORCEMENT

This local law shall be enforced by any dog control officer approved by the Town of New Haven when acting pursuant to his special duties.

SECTION 7. SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION

- A. Any dog found in violation of the provisions of Section 5 of this local law may be seized.
- B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption period.
- C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to this local law and paying the impoundment fees as set by resolution of the Town Board. Fees may be changed from time to time by resolution of the Town Board.
- 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 or her dog.
- E. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized.
- F. No action shall be maintained against the Town of New Haven, any dog control officer or constable when acting pursuant to his special duties, or any other agent or officer of the Town or person under contract to the Town of New Haven 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.
- G. It shall be the responsibility of the landlord to provide proper shelter, food, water and care for all dogs left behind or abandoned at the premises of the landlord by tenants or other persons. In the event the landlord fails to properly care for such abandoned dog, the animal control officer may seize the dog. In such events, or if the landlord requests the animal control officer to request removal of such abandoned dog, the landlord shall be responsible for the cost of seizure, impoundment, care and destruction as set by the Town Board.

SECTION 8. APPEARANCE TICKET

Any dog control officer approved by the Town of New Haven, when acting pursuant to his special duties, observing, or having knowledge of, a violation of this local law shall issue and serve an appearance ticket for such violation and forward a copy thereof to the Town Justice.

SECTION 9. COMPLAINT

- A. Any person who observes a dog in violation of this local law may file a complaint under oath with the dog control 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 the dog. The dog control officer shall issue an appearance ticket and forward a copy thereof to the Town Justice.
- B. Upon receipt by the Town Justice of such appearance ticket he shall arraign the owner at the town court at the appointed time and date. If not resolved by plea, the Town Justice shall set the matter for hearing if so requested by the owner. At this hearing, (at which – delete words in brackets) both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. The Town may be represented at such hearing, or in the disposition of the ticket, by the Town Attorney. If, after such hearing, the Town Justice decides that further action is warranted, he may order:
 - a. The dog 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.
 - b. The dog may be confined to the premises of the owner.
 - c. Such other remedy as may be warranted by the circumstances in such case, including but not limited to destruction of the dog
- C. A violation of any order issued by the Town Justice under the provisions of this Section shall be offense punishable, upon conviction thereof, as provided in Section 10 of this local law.

SECTION 10. PENALTIES

- A. Upon conviction, a violation for failure to license a dog shall be deemed a petty offense and shall be punishable by fines as set by resolution of the Town Board, and may include seizure or destruction of the dog. Fines may be changed from time to time by resolution of the Town Board.
- B. Upon conviction, a violation of any other provision of this local law shall be deemed a petty offense, and shall be punishable by fines as set by resolution of the Town Board, and may include seizure or destruction of the dog. Fines may be changed from time to time by resolution of the Town Board.

SECTION 11. SEPARABILITY

Each separate provisions 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 12. REPEALER

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of New Haven, which shall be, upon the effectiveness of this local law, null and void.

SECTION 13. EFFECTIVE DATE

This local law shall take effect upon filing with the New York State Secretary of State's Office.