TOWN OF PUTNAM

COUNTY OF WASHINGTON, STATE OF NEW YORK

Local Law #2 of 2021

A LOCAL LAW SETTING FORTH DOG CONTROL REGULATIONS IN THE TOWN OF PUTNAM

Be it enacted by the Town Board of the Town of Putnam (the "Town"), as follows:

SECTION 1. TITLE.

This local law shall be known as the "Dog Control Law #2 of 2021" of the Town of Putnam.

SECTION 2. PURPOSE.

The purpose of this Local Law is to protect the health, safety and well-being of persons and property within the Town of Putnam by imposing restrictions and prohibitions on the keeping and running at large dogs, dangerous dogs and other identified dogs within the Town of Putnam.

A violation of any provision of this local law shall be prosecuted as a civil action by the Dog control Officer

This Local Law is enacted pursuant to the provision of Article 7 of the Agriculture and Markets Law, as amended by Chapter 59 Part T of the Laws of 2010, and Municipal Home Rule Law.

SECTION 3. DEFINITIONS

As used in this local law, the following terms shall have the meanings indicated:

AT LARGE: a dog, dangerous dog or any other dog identified herein off the premises of the owner and in a public place or on private lands without the knowledge, consent, and approval of the owner of such lands.

DANGEROUS ANIMAL: Any animal that conducts itself so as to cause bodily harm and injury or to put any person in reasonable apprehension of such bodily harm and injury, or any animal which attacks, chases or worries any domestic animal, as defined in Section 108 of the Agriculture and Markets Law.

DOG: Any member of the species canis familiaris, regardless of sex.

DOG CONTROL OFFICER: The Dog Control Officer of the Town of Putnam, who is specifically authorized to enforce the provisions of this Local Law.

EUTHANIZE: to bring about death by a human method.

HARBOR: to provide food or shelter to any dog.

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IDENTIFIED DOG: Any dog carrying an identification tag as defined further in this section.

IDENTIFICATION TAG: A tag issued by the licensing municipality which sets forth an identification number, for the municipality and such other information as the licensing municipality deems appropriate.

LEASHED or RESTRAINED BY A LEASH: A dog that is equipped with a collar of sufficient strength attached to a leash not more than six feet long, which leash shall be held by a person having sufficient ability to control and restrain the dog by means of the collar and leash.

OWNER: Includes any person who owns, keeps, harbors or has the care, custody or control of any dog, dangerous dog or any other dog identified herein. Dogs, dangerous dogs or any other dog identified herein owned by minors shall be deemed to be in the care, custody and control of the minor's parents or other head of household where the minor resides, and who shall be responsible for any acts of said dog in violation of this Local Law. The term "owner" shall be construed to include any association or corporation owning, harboring, in possession of or keeping a dog or dogs or any other dog identified herein within the Town of Putnam.

POLICE DOG WORK: 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.

SERVICE DOG: Any dog that is trained to aid a person with a disability and is actually used for this purpose, otherwise known as a "guide dog" or "support animal".

VIOLATION: A violation of any provision of this local law is a civil violation pursuant to Agriculture and Markets Law, Article 7, §118(2) and shall be prosecuted by civil action in the local court of jurisdiction.

WAR DOG: Any dog which has been honorably discharged for the United States armed services.

SECTION 4. LICENSING REQUIREMENTS.

A. **Requirement.** The owner of any dog in the Town of Putnam of the age of four (4) months or older shall immediately make application for a dog license with the Town Clerk of the Town of Putnam. No license shall be required for any dog which is under the age of four (4) months, and not at large, residing in a pound or shelter maintained by the Town or under contract or agreement with the state or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association.

B. **Expiration of license** All dog licenses shall be valid for a period of one year and will expire one year from the date of issuance.

C. **Fees**

I. The licensing fee for a spayed or neutered dog shall be $6.00 (six dollars). The fee will include the assignment of a $1.00 surcharge paid to the New York State Department of Agriculture & Markets for the spay/neuter program (animal population control).

II. The licensing fee for an un-spayed or un-neutered dog shall be $15.00 (fifteen dollars). The fee will include the assignment of a $3.00 surcharge paid to New York State Department of Agriculture & Markets for the spay/neuter program (animal population control).

III. When the Town Board determines the need for enumeration, the fee and time frame shall be determined by Town Board Resolution.

IV. The fee for a replacement tag shall be $3.00

D. **Service Dogs.** The Town of Putnam exempts the following dogs; guide, hearing, service, war, working search, detection, police dogs, as defined in Article 7 of the Agriculture & Markets Law of New York State, from payment of the licensing fees. Documentation must be provided to establish the dog's credentials.

E. **Purebred license.** The Town of Putnam shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated herein.

F. **Shelters.** The Town of Putnam does not allow licensing of a dog by a shelter. The shelter shall be required to send adoptive dog owners to the clerk of the municipality in which the dog will be harbored for licensing.

G. **Purchase of dog license.** All dog licenses shall be purchased at the Putnam Town Clerk's Office.

SECTION 5. CONTROL OF DOGS.

It shall be unlawful for any owner of, or any person owning or harboring any dog in the Town of Putnam to permit or allow any such dog to:

A. **Cause damage or destruction** to the property of or commit a nuisance upon the premises of a person other than the owner or person(s) harboring such dog without the consent or approval of the owner of such premises.

B. **Chase, jump on or at, or otherwise harass** any person in such a manner as would reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

C. **Attack, chase or worry any domestic animal**, as defined by Section 108 of the New York State Department of Agriculture & Markets Law.

D. **Habitually chase or bark** at motor vehicles, motorcycles, bicycles, or pedestrians while on a public street, highway, or place or upon private property without the consent or approval of the owner of such property. Engage in habitual loud howling, barking, crying, or whining or conduct itself in such a manner as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

E. **Be off the premises of the owner or harborer unless restrained by a leash** to be held by a person of sufficient strength and ability to adequately restrain the dog. Such dog may be unleashed while off the owner's or harborer's premises only on such occasions as when such dog is on private premises of another with the knowledge, consent, and approval of such person.

F. **No dog leashed or unleashed** shall be in any restaurant, grocery or commercial establishment which sells food for human consumption except for a service dog or police work dog.

SECTION 6. ENFORCEMENT OFFICER

A. **The Dog Control Officer or other law enforcement officer** observing a violation of this Local Law in his/her presence shall issue and serve an appearance ticket for such violation. The Dog

Control Officer shall enforce the provisions of this Local Law pursuant to Article 7 of the New York State Department of Agriculture & Markets Law, except otherwise set forth in this Local Law.

B. **The Dog Control Officer or other law enforcement officer** may also investigate and report to the Town of Putnam Court ("the court") any dangerous dog, as described in Article 7 of the New York State Department of Agriculture & Markets Law, as defined herein, and see that the order of the Court in such case is carried out.

SECTION 7. FILING OF COMPLAINT

A. **Any person who observes a violation** of any provision of this Local Law may file a signed complaint, under oath, with the Court, specifying the objectional conduct; the date(s) thereof; the damage caused; a description of the dog; and the name and residence, if known, of the owner of such dog or other person harboring such dog.

B. **Any person who is attacked, chased** or otherwise harassed by any dog in such a manner as to reasonably cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury, or any person who witnesses a dog attacking, chasing or worrying any domestic animal, as defined in Section 108 of the New York State Department of Agriculture & Markets Law, may file a signed complaint, under oath, with the Court, stating the specific objectionable conduct of the dog; the date thereof; the place of occurrence; a description of the dog; the name and residence, if known, of the person harassed; and the owner or other person harboring said dog; or, in the alternative, the person harassed by a dog may file with the Court an information charging a violation of this Local Law.

SECTION 8. JURISDICION OF THE COURT

A. **The Town Court shall have jurisdiction to hear all complaints** filed as herein provided and all actions and proceedings hereunder and of all prosecutions for any violation of this Local Law.

B. **Upon receipt by the Court of any complaint against the conduct** of a particular dog, the Court shall summon the alleged owner of the dog or other person harboring such dog to appear in person before the Court. If the summons is disregarded and does not appear to the Court, the Court may permit the filing of information and issue a warrant for the arrest of such person.

SECTION 9. EXCEPTION

This Local Law shall not apply to a service dog or police work dog during such times as such dogs are performing the functions for which they are trained and certified to do.

SECTION 10. PROCEDURES RELATING TO DANGEROUS DOGS

Procedures relating to dangerous dogs shall be in accordance with the relevant provisions of the New York State Department of Agriculture & Markets Law.

A. **Complaint of an attack** upon a person or of an attack, chase or worrying of a domestic animal, the Court shall immediately determine if there is a probable cause to believe the dog is a dangerous dog, and upon if so finding, shall order the Dog Control Officer or law enforcement

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officer to immediately seize the dog pending a judicial hearing conducted in accordance with the provisions of the New York State Department of Agriculture & Markets Law.

B. **Determined to be a dangerous dog by the Court**, the Court may order the Dog Control Officer or other law enforcement officer to take any action consistent with the provisions of the New York State Department of Agriculture & Markets Law including the destruction of the dog or to take other action prescribed herein. In the event that any person is bitten by said dog, the Court shall order the dog tested for rabies or quarantined for a period of 10 (ten) days. The quarantine and/or rabies testing shall be at the owner's, harborer's expense.

C. **In the event that the Court does not order the dog destroyed** and determines that said dog is a dangerous dog within the meaning of the New York State Department of Agriculture & Markets Law, the owner, harborer shall be required to:

I. Maintain liability insurance policy in an amount determined by the Court, but not to exceed one hundred thousand dollars ($100,000) for personal injury or death resulting from an attack by such dangerous dog.

II. Muzzling the dog whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

III. Post the property where the dog is located with a notice of "Beware of Dog" or "Dangerous Dog" warning signs on every side of the property no more than one hundred (100) feet apart and at each and every access point (entryway, door and gates); and

IV. Any other further requirements as directed at the discretion of the Town of Putnam Court.

D. **Upon default of any of the conditions** of the court order, said dangerous dog and owner shall be dealt with in accordance with the law and/or applicable Court order.

SECTION 11. PENALTIES OF OFFENSES

An offense against any provision of this Local Law shall be punishable:

A. **By a fine** of not less than $50 (fifty dollars) and not more than $200 (two hundred dollars) for the first offense. Where a person has been found to have violated this Local Law within the preceding five years, the fine may not be less than $100 (one hundred dollars) and not more than $500 (five hundred dollars), and where the person has been found to have committed two or more violations of this Local Law within the preceding five years, the offense shall be punishable by fine of not less than $500 (five hundred dollars) and no more than $1,000 (one thousand dollars) or imprisonment for not more than 15 days, or both.

B. **In addition to the penalties** imposed for violations of this Local Law, the person found to have violated this Local Law must pay administrative fines as set forth hereinafter for the cost and seizure and kennel fees.

C. **A separate offense** shall be deemed committed on each day during or on which a violation occurs or continues.

D. **Upon presentation of proof of payment** of any and all fines and/or penalties, the Dog Control Officer or other law enforcement officer shall release any dog impounded to its owner or

harborer, provided that the release of the dog is consistent with any court determination made with respect to the dog.

SECTION 12. **DOGS TO BE SEIZED**

A. **The Dog Control Officer or other law enforcement officer in the Town of Putnam shall seize:**

I. Any dog which is not identified, and which is not on the owner's, harborer's premises.

II. Any dog which is not licensed, whether on or off the owner's, harborer's premises.

III. Any dog in violation of any local law or ordinance relating to the control of dogs adopted by the Town of Putnam pursuant to the provisions of Article 7 of the New York State Agriculture & Markets Law.

SECTIOIN 13. **CARE OF SEIZED DOGS**

Each dog seized in accordance with the provisions of this Local Law shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

SECTION 14. **IMPOUNDMENT FEE**

A. **EACH DOG WHICH IS NOT IDENTIFIED**, whether or not licensed, shall be held for a period of five business 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 provision of this Local Law, and further provided that the owner pays the impoundment fee and pick-up fee. All impoundment fees, including all seizure and kennel fees and all fines and/or penalties levied or assessed by the Court to this Local Law, shall be the property of the Town of Putnam.

B. **IMPOUNDMENT, SEIZURE AND KENNEL FEES** (WITHIN A CALENDAR YEAR)

I. First impoundment: $25.00 (twenty-five dollars), plus the prevailing charge to the Town, as per contract, for each day, or portion of, in impoundment.

II. Second impoundment: $50.00 (fifty dollars), plus the prevailing charge to the Town, as per contract, for each day, or portion of, in impoundment.

III. Third impoundment and thereafter: $75.00, plus the prevailing charge to the Town, as per contract, for each day, or portion of, in impoundment.

SECTION 15. **DISPOSTION AND IMPOUNDMENT FEES**

All impoundment fees shall be the property of the municipality to which they are paid and shall be used for controlling dogs and enforcing this Local Law and any rule, regulation or local law or ordinance adopted pursuant thereto.

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SECTION 16. NOTICE OF SEIZURE: REDEMPTION

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. If notification is personally given, such dog shall be held for a period of seven days after the day of the notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog will be held for a period of seven days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed by this Local Law and by producing proof that the dog has been licensed.

SECTION 17. UNREDEEMED DOGS

An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period and shall be made available for adoption or euthanized. Any person, other than the owner of the dog seized or a member of his or her immediate family, may apply to the impoundment facility for the adoption of the dog, provided that no such dog shall be delivered for adoption unless it has been licensed pursuant to this Local Law prior to its release from the custody of a pound or shelter. Upon adoption, collection of any impoundment fees from the adoption, shall be waived.

SECTION 18. PENALTIES FOR OFFENSES

The seizure of any dog shall not relieve any person from any violation provided for by Section 118 of the New York State Department of Agriculture & Markets Law.

SECTION 19. NON-LIABILITY FOR DAMAGES

The Town of Putnam, its employees or agents shall not be liable in damages, or otherwise, on account of the seizure, adoption, or destruction of any dog pursuant to the terms of this Local Law.

SECTION 20. CANINE WASTE

The purpose of this section shall be to promote the health, safety, cleanliness and general welfare of the Town of Putnam and its inhabitants by adopting and enforcing certain regulations and restrictions on the activities of dogs.

A. **Nuisances by dogs prohibited,** except as provided and regulated by this section, no person owning, harboring, keeping, walking, or having custody or control of a dog shall cause or permit, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common throughfare, sidewalk, passageway, bypath, play area, park or any other public property. These restrictions shall likewise apply to any private property unless such person shall have the express written permission of the owner of said property.

B. **Removal of feces** is required of any person who owns, harbors, keeps, walks or having custody or control of a dog shall immediately remove all feces deposited by such dog on any common throughfare, sidewalk, passageway, bypath, play area, park or any other public property, or

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private property unless such person has written permission of the owner of the property. Feces should be disposed of in the following manner: Feces shall be picked up with an appropriate implement and be deposited immediately thereafter in a container, plastic or otherwise, and subsequently deposited in a container used for the disposal of refuse.

C. **Penalties for offenses** by a fine of not less than $50 (fifty dollars) and not more than $200 (two hundred) for the first offense. Where a person has been found to have violated this Local Law within the preceding five years, the fine may not be less than $100 (one hundred dollars) and not more than $500 (five hundred dollars), and where the person has been found to have committed two or more violations of this Local Law within the preceding five years, the offense shall be punishable by a fine of not less than $500 (five hundred dollars) and no more than $1000 (one thousand dollars) or imprisonment for not more than 15 days, or both.

SECTION 21. IMPOUNDMENT OF DOGS FOR SAFE KEEPING

In the event a dog is turned over by law enforcement to the Town of Putnam Dog Control Officer for reasons of safe keeping and where no other violation of this law exists and wherein law enforcement is unable to find suitable care for the dog, the Dog Control Officer may assist and hold dog(s) for safekeeping at the Town's contracted shelter for no more than seven (7) days from the date of pickup. If the seventh (7^{th}) day falls on a day where the owner is unable to redeem the dog(s) due to the Town Hall or Shelter being closed the owner will be given until the next business day to redeem. The owner will be responsible for a $25 (twenty-five dollar) administration fee per dog, to the Town of Putnam, plus prevailing charge per shelter contract. If the owner or agent acting on the owner's behalf does not redeem the dog and pay all fees associated with the dog(s) impoundment by the close of business of the Town hall office on the final redemption day, they will have released ownership of the dog(s) to the Town for adoption or euthanasia. The owner will be responsible for all fees and costs incurred by the Town.

SECTION 22. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

SECTION 23. REPEALER

This Local Law shall supersede all prior Local Laws, ordinances, rules, and regulations relative to the control of dogs within the boundaries of the Town of Putnam, Washington County, State of New York and they shall be, upon effective date of this Local Law, null and void.

SECTION 24. EFFECTIVE DATE

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

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