

CHAPTER 68

DOG CONTROL LAW

ARTICLE I Statement of Authority	§ 68-3. Licensing and Regulations of Dogs
	§ 68-4. Restrictions
	§ 68-5. Procedure for Seizure of Dogs
ARTICLE II Statement of Purpose and Findings	§ 68-6. Enforcement
	§ 68-7. Penalties
ARTICLE III Enactment	ARTICLE IV Repealer
§ 68-1. Title	ARTICLE V Severability
§ 68-2. Definition of Terms	

History: Dog license fees adopted 9-10-1997 by Local Law #2, 1997; Dog control adopted by Local Law # 2-8-2001, Dog Control Law completely revised by Local Law #1, 2011.

Article I: Statement of Authority

The Town Board of the Town of Henderson pursuant to the authority granted under Article 7 of the Agriculture and Markets Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enacts as follows:

Article II: Statement of Purpose and Findings

The Town Board of the Town of Henderson hereby finds that in view of new State Laws imposing increased responsibility on the Town for the licensing of dogs and dog control that it is necessary to have a global revision of all prior regulations of the Town with respect to licensing of dogs and dog control. It is the purpose of this law to adopt comprehensive regulations for the licensing of dogs and dog control issues within the Town.

Article III: Enactment

The Town Board of the Town of Henderson hereby enacts as follows:

§ 68-1. The Title of this Law shall be Dog Control Law of the Town of Henderson.

§ 68-2. Definition of Terms: As used in this Local Law the following words shall have the

following respective meanings:

- (a) “Dangerous dog”, as also defined in Article 7 of the NYS Agriculture and Markets Law means any dog which without justification...
 - 1. attacks a person, companion animal, farm animal or domestic animal and causes physical injury or death, or
 - 2. behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or
 - 3. without justification attacks a service dog, guide dog or hearing dog, and causes physical injury or death.
- (b) “Dog” means a member of the species *canis familiaris*.
- (c) “Owner” means the person entitled to claim lawful custody and possession of a dog. That owner 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. 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 harboring a dog for a period of one week or more shall therefore be deemed to be the owner of that dog and responsible for any violation of this Local Law. For the purpose of this Local Law, when a person under the age of 18 is harboring a dog, the head of the household in which that dog resides is deemed to be responsible for any acts of said dog in violations of this Local Law.
- (d) “Run at Large” means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.
- (e) “Town” means the Town of Henderson.

§ 68-3. Licensing and Regulation of Dogs: Effective January 1, 2011:

- (a) All dogs in the Town of Henderson, unless otherwise exempted, must be licensed with the Town Clerk by the age of 4 months. The owner is required to present a current Certificate of Rabies Vaccination for the dog being licensed at the time of licensing or renewal of an existing license. However, dogs of any age which are held at a shelter, pursuant to a contract or agreement with any County, City, Town or Village, or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed.
- (b) A non-resident owner of any dog harbored within the Town of Henderson licensed by a jurisdiction outside the Town shall upon request provide to the Town Clerk of the Town of Henderson a copy of a current and valid dog license and Certificate of Rabies Vaccination. That dog will be considered to be properly licensed.

- (c) 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.
- (d) Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$10.00, (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an un-spayed or un-neutered dog will be \$20.00, (which includes the assessment of a \$3 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary. Replacement tags may be acquired from the Office of the Town Clerk for a fee of \$3.00.
- (e) Enumeration fee: When the Jefferson County Dog Control office conducts biannual dog enumeration and a delinquent owner is referred to the Town for licensure on said basis, a fee of \$5 will be assessed to the owner of any dog found unlicensed or not renewed at the time the enumeration is conducted.
- (f) Purebred License: The Town of Henderson will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- (g) Service Dogs: The Town of Henderson will require a license for any guide dog, service dog, hearing dog, detection dog, search dog, working dog, war dog or therapy dog but such dogs are exempt from a fee. An “Exempt Dog Training/Certification Affidavit” must be provided to the Town Clerk.
- (h) The Town of Henderson does not allow the licensing of dogs by a shelter. The County or shelter must send the adoptive dog owners or persons redeeming dogs to the Town Clerk of the Town in which the dog will be harbored for licensing or to the Town Clerk of the Town of Henderson. In such instances, the County or the SCPA shall issue a ten (10) day permit with a copy to be sent to the Town during which time the Owner shall secure valid license.
- (i) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (j) All fees or assessed fines (per § 68-7. Penalties) will be used in funding the administration of the Dog Control Law of the Town of Henderson as defined herein.
- (k) Monthly Report: The Town of Henderson shall submit a monthly report to Jefferson County Dog Control office by the 5th of each month.

§ 68-4. Restrictions: In addition to the above licensure requirements, it shall be unlawful for the owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local 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 as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (c) Chase, jump upon or at, or otherwise harass any person in such manner as to cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (d) 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.
- (e) 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.
- (f) Be “Dangerous” is the same as defined by this Chapter and Article 7 of the NYS Agriculture and Markets Law.

§ 68-5. Procedure for Seizure of Dogs:

- (a) The Dog Control Officer or any peace officer shall seize
 - 1) any unlicensed dog whether on or off the owner’s premises;
 - 2) any dog not wearing an identification tag and which is not on the owner’s premises, and
 - 3) any dog found in violation of paragraphs (a)-(f) of § 68-4 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law. In such case, the Dog Control Officer or any peace officer shall see that an order of the Town Justice of the Town of Henderson is carried out.
- (b) The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Jefferson County Dog Control Office specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

§ 68-6. Enforcement:

Enforcement of the provisions of this Chapter including licensure and offenses regarding violations of § 68-4 and § 68-5 *herein* shall be delegated to and controlled by contract with the Jefferson County Dog Control Office. Offenses and appearance tickets regarding such provisions shall be made returnable in the Local court.

§ 68-7. Penalties:

- (a) Upon finding of a violation of § 68-4. above, the penalties regarding violations of this Chapter shall be ...
 - (1) a fine of no less than \$50.00 nor more than \$100.00 for a first violation.
 - (2) a fine of no less than \$100.00 nor more than \$150.00 for a second offense within a one year period.
 - (3) a fine of no less than \$150.00 nor more than \$200.00 for a third or subsequent offense within a one year period.
- (b) Regarding “Dangerous dogs” as defined in § 68-4 –f, the standards, conditions, review criteria and penalties imposable by the Court shall be those stated at Article 7, Section 123 of the NYS Agriculture and Markets Law in said Chapter delineated “Dangerous Dogs.”

Article IV: Repealer

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Henderson, and they shall be upon the effectiveness of this Local Law, null and void.

Article V: Severability

If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining article or provision of this Chapter.

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