

Chapter 76

DOGS AND OTHER ANIMALS

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[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 8-10-77 as L.L. No. 3-1977; Art. II. 4-21-65. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

ARTICLE I
Dog Regulations
[Adopted 8-10-77 as L.L. No. 3-1977]

§ 76-1. Purpose.

The Town Board of the Town of Patterson finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have created nuisances within the town. The purpose of this Article is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the town.

§ 76-2. Authority.

This Article is enacted pursuant to the provisions of § 124 of the Agriculture and Markets Law of the State of New York.

§ 76-3. Definitions.

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

AGRICULTURE AND MARKETS LAW - The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Article, as amended by this Article, and as amended thereafter.

CONFINED - That such animal is securely confined or restrained or 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 on any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate or other container or so restrained in a vehicle that it cannot be expected to escape therefrom.

DOG - Male and female, licensed and unlicensed, members of the species *Canis familiaris*.

DOG CONTROL OFFICER - Any person authorized from time to time to enforce the provisions of this Article or the provisions of the Agriculture and Markets Law of the State of New York.

OWNER - The party purchasing the license unless the dog is or has been lost and such loss reported to the Dog Control Officer and reasonable search has been made. If an animal 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 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 Article, shall be held and deemed to be the “owner” of such dog for the purpose of this Article. In the event the “owner” of any dog found to be in violation of this Article is 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 the said dog in violation of this Article.

RECREATIONAL AREAS - Any real property owned by the Town of Patterson which is used for recreational purposes by the public, including but not limited to parks and playgrounds.

RUN AT LARGE - To be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

TOWN - The area within the corporate limits of the Town of Patterson.

§ 76-4. Restrictions. [Amended 2-14-1996 by L.L. No. 1-1996]

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

- A. Run at large.
- B. Be off the owner’s property unless leashed.
- C. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner as to habitually annoy any person other than the owner or harborer of such dog.
- D. Cause damage or destruction to public or private property or defecate, urinate or otherwise commit a nuisance upon the property of anyone other than the owner or harborer of the dog.
- E. Bite, chase, jump upon or otherwise harass any person in such manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- F. Chase, leap on or otherwise harass bicycles or motor vehicles.
- G. Kill or injure any dog, cat or other household pet.
- H. Be unlicensed when four (4) months of age or older.
- I. Not have a current and valid New York State Identification tag on its collar while at large, whether or not restrained by an adequate leash.
- J. For any person to knowingly affix to any dog any false or improper identification tag, special

identification tag for identifying guide, service or hearing dogs or purebred license tag.

H. For any person to furnish any false or misleading information on any form required to be filed with the Town of Patterson pursuant to the provisions of this Chapter or of Agriculture and Markets Law, or any rules and regulations promulgated pursuant thereto.

§ 76-5. Enforcement.

A. The Town of Patterson may appoint a Dog Control Officer pursuant to the appropriate statutes of the State of New York, and further designates all Town Constables or specially designated representatives to serve as special Dog Control Officers as needed. It shall be the duty of such Dog Control Officer or Constables of the Town of Patterson to enforce the appropriate provisions of the Agriculture and Markets Law with respect to dogs in the Town of Patterson and to enforce this Article, and in so doing the said Dog Control Officer shall have all the powers of a Constable.

B. The Dog Control Officer or Constables of the Town of Patterson shall seize any dog which is found to be in violation of any portion of this Article, as well as any dog or dogs otherwise required to be seized under and by virtue of the Agriculture and Markets Law of the State of New York. All complaints concerning alleged violations of this Article shall be communicated to the Dog Control Officer or Constables. All such complaints shall be investigated, and it shall be the duty of the Dog Control Officer or Constables in the appropriate case to proceed with civil or criminal enforcement of this Article or any other provisions of law pertaining hereto.

C. There shall be and there is hereby created the position of Dog Control Officer, which person shall serve at the pleasure of the Town Board. The Dog Control Officer and Constables shall have all the powers of a constable or other peace officer in the execution of the provisions of this Article and the provisions of Article 7 of the Agriculture and Markets Law, including service of summons and appearance tickets pursuant to the Criminal Procedure Law.

§ 76-6. Seizure of dogs.

A. Only a dog found running at large in violation of this Article or of §118 of the Agriculture and Markets Law may be seized by any Dog Control Officer, as defined herein, exercising such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such dog, and such dog shall be impounded and disposed of in accordance with the provisions of Article 7 or other applicable provisions of the Agriculture and Markets Law.

B. After any such seizure, the record owner of such dog or an adult member of his family, if the owner is ascertainable from the dog's license tag, shall be notified personally by serving such owner or adult with a notice in writing stating that the dog has been seized and may be destroyed unless redeemed.

C . Such dog or dogs so seized and impounded shall be held for a period of five days if the seized dogs are identified dogs, seven days for unidentified dogs in case of personal service or notice of seizure or nine days in case of notice by certified mail, and thereafter placed for adoption if unclaimed, during which time the owner of such dog may recover same by producing a license and a payment in cash in an amount as set from time to time by resolution of the Town Board per day for each day or part thereof after the seizing and impounding for the keeping, feeding and caring of such dog while in custody, which sum shall be paid to the Town Clerk. **[Amended 3-983 by L.L. No. 1-1983; 2-14-1996 by L.L. No. 1-1996]**

D. No action shall be maintained against the Town of Patterson, any duly designated Dog Control Officer or any other agent or officer of the town 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 Article.

E. The destruction of any dog shall be by a veterinarian in keeping with the latest humane practices of disposing of animals. No dog seized by the Dog Control Officer shall be sold or surrendered to any person, firm, organization or institution for experimental use. The Dog Control Officer who causes such dog to be destroyed shall make a written report of such destruction and disposition to the Town Clerk, together with a statement from the veterinarian destroying the dog, stating that the dog was destroyed in keeping with humane practices. The Town Clerk shall keep a record of all dogs which are destroyed.

§ 76-7. Adoption of pets. [Added 8-12-81 by L.L. No. 6-1981]

Pursuant to § 118, Article 7, of the Agriculture and Markets Law, any dog which is held in compliance with § 76-6 of this chapter may be released for adoption for a fee as set from time to time by resolution of the Town Board, to be paid to the Town Clerk or the Dog Control Officer. Any adopted dog shall be spayed or neutered before or after its release from custody.

§ 76-8 Dog license fees. [Added 4-24-1991 by LL No. 2-1991; amended 9-27-1995 by L.L. No. 6-1995]

A. Pursuant to Subdivision 4 of § 110 of Article 7 of the Agriculture and Markets Law of the State of New York, the Town of Patterson shall set and require an annual license fee for each dog license issued of \$8 in addition to such annual fees set by Subdivisions 1 and 2 of said § 110 of Article 7. Such additional fees shall be the property of the Town of Patterson and shall be used only for controlling dogs, enforcing Article 7 of the Agriculture and Markets Law and any rule, regulation or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under § 117 of Article 7 to be used therefor, and subsidizing public humane education programs in responsible dog ownership.

B. The provisions for such additional fees do not apply to dogs owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over.

§ 76-9. Humane treatment of animals

It shall be unlawful for any person in the Town of Patterson to torture, torment, deprive of necessary sustenance, unnecessarily beat or otherwise abuse, or needlessly mutilate or kill a living animal or creature. Any animal so treated shall be impounded by the Dog Control Officer. The owner thereof shall be notified in writing, by personal service or by regular mail, of the alleged violation, and the matter shall be referred to the Town Justice for a hearing and determination pursuant to law.

§ 76-10. Complaints.

A. Any person who observes a dog in violation of this Article may file a complaint under oath with a Town Justice, 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.

B. Upon receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant, and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted, he may order:

- (1) The owner to restrain such dog by collar and leash at all times whether on or off the owner's property.
- (2) The owner to confine such dog to the premises of the owner.
- (3) Such other remedy authorized by law as may be warranted by the circumstances in such case.

C. A violation of any order issued by a Town Justice under the provisions of this section shall be an offense punishable, upon conviction thereof, as provided in § 76-9.

§ 76-11. Penalties for offenses. [Amended 12-11-1996 by L.L. No. 13-1996]

A. A violation of this article shall be punished as set forth in § 119 of the Agriculture and Markets Law; provided however, that a court, in imposing penalties upon an owner for an unlicensed dog, shall fine such owner not less than \$50 for a first offense with respect to such dog and not less than \$100 or imprisonment for not more than fifteen (15) days, or both for a second or subsequent offense relating to such dog.

B. An owner shall be charged a fine of \$50 for any dog found running loose in violation of this article whether licensed or unlicensed.