

Chapter 76

DOGS AND OTHER ANIMALS

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[HISTORY: Adopted by the Town Board of the Town of Patterson as indicated in article histories (readopted 4-13-2005 by L.L. No. 9-2005). Amendments noted where applicable.]

ARTICLE I

Licensing, Identification and Control of Dogs

[Adopted 8-10-1977 by L.L. No. 3-1977; amended in its entirety 12-8-2010 by L.L. No. 2-2011]

§ 76-1. Purpose.

Effective January 1, 2011, the State of New York has relinquished the responsibility of dog licensing function to local municipalities and eliminated the Animal Population Control Fund. Local municipalities will now be required to adopt legislation relating to this issue. The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of the persons, property, domestic animals and deer from dog attack and damage within the Town of Patterson.

§ 76-2. Definitions.

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

ADOPTION – The delivery to any natural person eighteen (18) years of age or older, for the limited purpose of harboring a pet, of any dog or cat seized or surrendered from the Town’s animal shelter.

ANIMAL/DOG CONTROL OFFICER – Any individual appointed by the Town of Patterson to assist in the enforcement of this article, or any authorized officer, agent or employee of an incorporated humane society under contract with the Town of Patterson to assist in the enforcement of this article.

CLERK – The Town Clerk or Deputy Town Clerk of the Town of Patterson by whom licenses are to be validated or issued pursuant to this article.

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.

DETECTION DOG – Any dog that is trained and is actually used for such purpose or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG – Any member of the species canis familiaris.

EUTHANASIA – To bring about death by humane method.

GUIDE DOG – Any dog that is trained to aid a person who is blind and that is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred for such training.

HARBOR – To provide food or shelter to any or cat.

HEARING DOG – Any dog that is trained to aid a person with a hearing impairment and that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

IDENTIFICATION TAG – A tag which sets forth an identification number, as required by the provisions set forth in this article.

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 said dog in violation of this article.

PERSON WITH DISABILITY – Any person with a disability as that term is defined in Subdivision 22 of § 292 of the New York Executive Law.

POLICE WORK DOG – Any dog owned or harbored by any municipal police department or any state or federal law enforcement agency, which dog has been trained to aid law enforcement officers and is actually being used for police work purposes.

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.

SENIOR RESIDENT – Any resident of the Town of Patterson who is age 65 or older.

SERVICE DOG – Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person’s parent, guardian or other legal representative.

THERAPY DOG – Any dog that is trained to aid the emotional and physical health of patients in

hospitals, nursing homes, retirement homes and other setting that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

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

WAR DOG – Any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG – Any dog that is trained to aid in the search for missing Persons and that is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

§ 76-3. Restrictions.

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, unless in such area designated by the Town as a “dog park”.
- 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 to defecate, urinate or otherwise commit a nuisance upon the property of anyone other than the owner or harborer of such 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 or special identification tag for identifying guide, service or hearing dogs.
- K. 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 article or any rules and regulations promulgated pursuant thereto.

L. For any person residing in the Town of Patterson to keep or harbor any dog, cat or other animal in such a manner as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public.

§ 76-4. Dog licensing requirements and procedures.

A. Licensing of dogs.

(1) The owner of any dog reaching the age of four (4) months shall immediately make application for a dog license. No license shall be required for any dog under the age of four (4) months that is not at large, or that is residing in a pound or shelter maintained by or under contract or agreement with the Town. A license shall be renewed after a period of one (1) year beginning with the first day of the month following the date of issuance. Renewal shall be for a minimum of one (1) year and shall not exceed three (3) years, based on the validation term of the rabies vaccination.

(2) Application for a dog license shall be made to the Clerk.

(3) The application shall state the dog's name, sex, actual or approximate year of birth, breed, color(s) and other identification markers, if any, official identification number of the dog, and the owner's name, address and telephone number.

(4) The application shall be accompanied by a license fee as listed below and a valid certificate of rabies vaccination or statement in lieu thereof. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk.

(5) 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.

(6) The fees for a dog license shall be as follows:

(a) Un-spayed/un-neutered dog: \$13.50 per year, which includes a surcharge of \$3.00 for animal population control.

(b) Spayed/neutered dog: \$5.50 per year, which includes a \$1.00 surcharge for animal population control.

(c) There shall be no fee charged for a license issued for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog, or working

search dog.

(7) Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made either in whole, or in part.

(8) The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic form.

(9) 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. The original issued identification tag shall remain the same for the life of the dog.

(10) No dog can be adopted out of the Town's animal shelter without first obtaining a license from the Clerk.

B. Purebred licenses. There shall not be distinct purebred licenses as previously provided for by the State. Any and all existing purebred licenses shall now be required to comply with Section 76-4.A of this article.

C. Rabies vaccination. The Clerk, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog has been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog would be endangered by the administration of the vaccine. The Clerk shall make or cause to be made from such statement a record of such information and file such record with a copy of the license.

D. Enumeration. In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay a fee of \$5.00. Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that 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 any other lawful purpose.

§ 76-5. Identification of dogs.

A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent official identification number. Such identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times.

B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee of \$3.00.

D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the dog to which that number has been assigned.

E. The identification tag shall be imprinted with the words "Town of Patterson," the dog's official identification number and the telephone number of the Clerk's office.

§ 76-6. Change of ownership; lost or stolen dogs; death.

A. In the event of a change of ownership of any dog that has been assigned an official identification number or a change in the address of the owner of record of any such dog, the owner of record shall notify the Clerk of such change within ten (10) days of the change.

B. If any dog that has been assigned an official identification number becomes lost or stolen, the owner of record shall notify the Clerk within ten (10) days of the discovery of such loss or theft.

C. In the event of the death of a dog that has been assigned an official identification number, the owner of record shall notify the Clerk either prior to the renewal of the license or upon the time of such renewal.

§ 76-7. Dangerous Dog.

A. "Dangerous dog" means any dog which :

(1) Without justification attacks a person, companion animal, farm animal, or domestic animal as defined in § 350 of the Agriculture and Markets Law, 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. "Dangerous dog" does not include a police work dog, as defined in § 76-2 of this article, which acts in the manner described in this paragraph while such police work dog is being used to assist one or more law enforcement officers in the performance of their official duties.

§ 76-8. Enforcement.

A. The Town of Patterson may appoint a Dog Control Officer pursuant to the appropriate statutes of the State of New York. It shall be the duty of such Dog Control Officer 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.

B. The Dog Control Officer of the Town of Patterson may 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. All such complaints shall be investigated, and it shall be the duty of the Dog Control Officer to proceed with civil or criminal enforcement of this chapter or any other provision of law pertaining thereto.

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 shall have all the powers of a constable or other peace officer in the execution of the provisions of this chapter and the provisions of Article 7 of the Agriculture and Markets Law, including service of summonses and appearance tickets pursuant to the Criminal Procedure Law.

D. Any person who observes a dog in violation of this article may file a complaint under oath with a Town Justice of the Town 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. Such complaint may serve as the basis for enforcing the provisions of this article.

§ 76-9. Seizure.

A. Any dog in violation of this article may be seized by the Dog Control Officer or any peace officer and shall be impounded and disposed of in accordance with the provisions of Article 7 of other provisions of the Agriculture and Markets Law. The Dog Control Officer or police officer may also investigate or refer to the Town 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.

B. No person shall hinder, resist or oppose the Dog Control Officer, peace officer or other person(s) authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

C. 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.

D. 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 the owner pays to the Town Clerk, in cash, the following impoundment fees, which may be changed from time to time by resolution of the Town Board:

(1) \$25.00 for the first 24-hour period or any part thereof, and \$25.00 for each additional 24-hour period or part thereof, for the first impoundment of any dog owned by that person.

(2) \$30.00 for the first 24-hour period or any part thereof, and \$30.00 for each additional 24-hour period or part thereof, for the second impoundment within one year of the first impoundment of any dog owned by that person.

(3) \$35.00 for the first 24-hour period or any part thereof, and \$35.00 for each additional 24-hour period or part thereof, for the third and subsequent impoundments within one year of the first impoundment of any dog owned by that person.

E. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified by the Dog Control Officer either 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 at least seven (7) days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine (9) 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 in subsection D above, in cash, to the Town Clerk and by producing proof that the dog has been licensed.

F. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered during the redemption period as herein provided in a facility so designated by the Town Board of the Town of Patterson.

G. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period. The dog may be kept by the Putnam County Humane Society for a period of three (3) months, and all costs for keeping the dog shall be borne by the Putnam County Humane Society, during which time the dog shall be available for adoption. Thereafter, the dog shall be euthanized.

H. 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.

I. 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 destroyed 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.

§ 76-10. Adoption.

Pursuant to Article 7 of the Agriculture and Markets Law, any dog which is held in compliance with § 76-8 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.

§ 76-11. 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.

§ 76-12. Complaints.

A. Any person who observes a 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 the 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 the following:

- (1) The owner shall restrain such dog by collar and leash at all times whether on or off the owner's property;
- (2) The owner shall confine such dog to the premises of the owner;
- (3) Such other remedy authorized by law or 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 § 76-13 herein.

§ 76-13. Penalties for offenses.

A. It shall be a violation, punishable as provided in Subsection B of this section, for:

- (1) Any owner to fail to license any dog;

- (2) Any owner to fail to have any dog identified as required by this article;
- (3) Any person to knowingly affix to any dog any false or improper identification tag, or special identification tag for identifying guide, service or hearing dogs;
- (4) Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this article;
- (5) Any person to furnish any false or misleading information on any form required to be filed with any municipality pursuant to the provisions of this article or rules and regulations promulgated pursuant thereto;
- (6) The owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog;
- (7) Any owner of a dog to fail to notify the municipality in which his or her dog is licensed of any change of ownership or address as required by § 112 of the Agriculture and Markets Law.

B. It shall be the duty of the Dog Control Officer to bring an action against any person who has committed any violation set forth in Subsection A above within the Town. The Town may elect either to prosecute such action as a violation under penal law or to commence an action to recover a civil penalty. A violation of this section shall be punishable, subject to such an election, either:

- (1) Where prosecuted pursuant to the penal law, by a fine of not less than \$50.00, except that where the person was found to have violated this section or former Article 7 of the Agriculture and Markets Law on two or more occasions within the preceding five (5) years, by fine of not less than \$100.00 or imprisonment for not more than fifteen (15) days, or both.
- (2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than \$50.00, except that when the person was found to have violated this section or Article 7 of the Agriculture and Markets Law on two or more occasions within the preceding five (5) years, the civil penalty may not be less than \$100.00.

C. Each dog may be considered separately for the purpose of establishing penalties for offenses under this article.