

**TOWN OF MOREAU
LOCAL LAW 1 OF 2011**

Chapter 59

DOG CONTROL LAW

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Dogs - Chapter 59 is hereby repealed in its entirety and replaced as follows:

- § 59-1. Purpose.

The Town Board of the Town of Moreau finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this Local Law 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.

- § 59-2. Authority.

This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59, Part T) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

- § 59-3. Title.

The title of this Local Law shall be “Dog Control Law” of the Town of Moreau.

- § 59-4. Definition of Terms.

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

- (a) “Dog” means male and female, licensed and unlicensed, members of the species *canis familiaris*.

- (b) "Owner" means person entitled to claim lawful custody and possession of a dog who 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 and a reasonable search has been made. 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 owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter.
- (c) "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.
- (d) "Town" means the Town of Moreau.

§ 59-5. Restrictions.

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

- (a) Run at large. All dogs must be restrained by adequate collar and leash or fenced by visible or invisible fence or confined. A dog or dogs hunting in the company of a hunter or hunters does not constitute running at large. A working dog, while actively engaged in agricultural activity or purposes, shall not be considered to be running at large.
- (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) Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such dog. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner of said premises.
- (d) Chase, jump upon or at or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (e) 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 without the consent or approval of the owner of such property.

§ 59-6. Licensing of Dogs.

- (a) All dogs in the Town of Moreau must be licensed with the Town Clerk by the age of 4 months and are required at the time of licensing or the renewal of an existing license to present a current Certificate of Rabies vaccination or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of old age or another reason, the life of the dog or dogs would be endangered by the administration of the vaccine.

(b) All dog licenses will be issued for a period of one (1) year and will expire at the end of the twelfth (12th) month from the date of issue.

(c) License Fees. The following Dog License Fees are established:

- (i) Individual dog license fee:
 - a. Five Dollar (\$5.00) annual fee for a spayed or neutered dog. (This fee includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control.)
 - b. Thirteen Dollar (\$13.00) annual fee for a unspayed or unneutered dog. (This fee includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control.)
- (ii) Fees for purebred dogs:
 - a. 1 to 10 purebred dogs a Twenty-Five Dollar (\$25.00) annual fee.
 - b. 11-25 purebred dogs a Fifty Dollar (\$50.00) annual fee.
 - c. 26 or more purebred dogs a One Hundred Dollar (\$100.00) annual fee.

In addition to the purebred dog license fees listed above, there shall be assessed per dog a \$1.00 surcharge for spayed and neutered dogs and a \$3.00 surcharge for unspayed and unneutered dogs licensed as purebreds for the purpose of carrying out animal population control.

- (iii) All dogs listed on a purebred license must be registered with a New York State recognized registry.
- (iv) A license for any guide dog, service dog, hearing dog, detection dog, war dog, working search dog, police dog and therapy dog is required, but no license fee shall be charged.
- (v) Notwithstanding anything herein to the contrary, the Town Board may, from time to time, by resolution, amend the foregoing fee schedule.

(d) The Town of Moreau shall contract with an animal shelter to license dogs adopted or redeemed by residents of the Town of Moreau.

(e) All dog licenses may be purchased and obtained by visiting the office of the Town Clerk or by regular mail. When licensing or renewing a license by mail the appropriate fee must accompany the forms along with proof of current rabies vaccination. Fees are non-refundable.

(f) Fees for Seizure of Dogs. The fee for seizure and impoundment of dogs in violation of this law or the laws of the New York State Department of Agriculture and Markets Law shall be set forth in Section 117 of the Agriculture and Markets Law.

§ 59-7. Seizure of Dogs at Large.

Any dog found to be running at large in violation of Section 117 of the Agriculture and Markets Law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner, adopted or disposed of as provided by said Section 117.

§ 59-8. Duties of Dog Control Officer.

A Dog Control Officer designated by the Town Board, as provided by Section 113 of the Agriculture and Markets Law, may enforce the provisions of this Chapter and may also investigate and report to the Town Justice any dangerous dog, as described in Section 123 of the Agriculture and Markets Law, and see that the order or orders of the Town Justice in such case are carried out.

§ 59-9. Filing of Complaints.

In accordance with Section 123 of the Agriculture and Markets Law, any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner or who witnesses an attack or threatened attack by a dog may file a signed complaint, under oath, with a Town Justice of the Town of Moreau specifying the objectionable conduct of the dog, the date thereof, any damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog.

§ 59-10. Summons.

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of such person.

§ 59-11. Penalties for Offenses.

A violation of this Chapter shall be deemed an offense against this Chapter, and any person convicted of such violation shall be liable for penalties pursuant to Section 118 of the Agricultural and Markets Law.

§ 59-12. Period for Impoundment.

Dogs impounded under the provisions of this Chapter or under the provisions set forth in the Agriculture and Markets Law shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided said owner produces proof that the dog has been licensed, vaccinated against rabies and pays the impoundment fees. After five (5) days the dog may be adopted or euthanized at the shelter's discretion.

§ 59-13. Severability

Should any section or provision of this Chapter be deemed to be unconstitutional or invalid by a Court of Law, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 59-14. Repealer.

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

§ 59-15. Effective date.

This Chapter shall become effective upon filing with the Secretary of State.