
(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF POUND RIDGE
LOCAL LAW NO. 1 OF THE YEAR 2011
POUND RIDGE DOG CONTROL LAW

Section 39 of the Town Code

ARTICLE I. Control of Dogs

Adopted 8-10-1967 by L.L. No. 2-1967; amended in its entirety 6-6-1996 by L.L. No. 3-1996
Editor's Note: The Town also requested the renumbering of the sections in Art. I from § 39-1 through §39-12 and Art. II from §39-13 through § 39-16, amended in its entirety 6-4-98 by L.L. No. 4-1998, amended 6-3-1999 by L.L. N. 3-1999, and amended 4-14-2011 by L.L. 1 of 2011.

§ 39-1. Purpose

The purpose of this Article shall be to promote the health, safety and general welfare of the Town of Pound Ridge and shall be the protection and preservation of the property of the Town and its inhabitants and of peace and good order by imposing and enforcing regulations and restrictions on the ownership and keeping of dogs.

§ 39-2. Title

This Article shall be known and may be cited as the "Dog Control Law of the Town of Pound Ridge."

§ 39-3. Definitions

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

DOG

A carnivorous, domesticated mammal, known as "canis familiaris," and shall include male as well as female.

DOG CONTROL OFFICER

A person appointed by the Town Board for the purpose of assisting with the control of dogs pursuant to Section 113 of Article 7 of the Agriculture and Markets Law.

HABITUAL OFFENDER

A person whose dog repeats the same offense multiple times in a six month period and in such instance said person has not taken corrective measures to resolve the situation.

OWNER

A person or corporation owning, harboring or having custody and control of a dog or domestic animal.

§ 39-4. Licensing

Every person owning or harboring a dog within the Town of Pound Ridge shall purchase a dog license from the Town Clerk pursuant to Article 7 of the New York State Agriculture and Markets Law. A certificate of rabies shall be presented at the time of licensing or renewal of an existing license. Licenses shall not be required for dogs under the age of four months which are not at large. Each license issued shall be valid for a period of one year and shall not be transferable.

Fees for dog licenses shall be as established from time to time by the Town Board of the Town of Pound Ridge, In accordance with Article 7 of the Agriculture and Markets Law, each applicant for a dog license shall pay, in addition to the license fee established by the Town Board, a surcharge of \$1.00 if the dog to be licensed is altered or a fee of \$3.00 if the dog to be licensed is unaltered.

Exempted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.

§ 39-5. Responsibility for conduct of dogs

A. The owner of record, custodian or person who keeps, harbors or otherwise has charge of any dog which has violated the provisions of this Article shall be subject to the penalties prescribed in this Article.

B. It shall be unlawful for any owner of or any person harboring any dog in the Town of Pound Ridge to allow such dog to:

- (1) Be off the premises owned or leased by the owner or harborer of said dog unless said dog is demonstrably under control of its owner or a responsible person able to control the dog so that such does not menace, threaten or endanger any other person or animal. The dog must be leashed in areas where people congregate at a public event and at all times in the Town Park except as otherwise directed by the Recreation Commission, the business district in Scotts Corners and the bike path between the Town Park and Scotts Corners.
- (2) Engage in habitual howling or barking or to conduct itself in such a manner so as to disturb the peace of the neighborhood. A specific prohibition is continuous barking in excess of thirty minutes between the hours of 9:00PM to 7:00AM.
- (3) Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog.
- (4) Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- (5) Chase or bark at motor vehicles, bicycles or moving vehicles while running at large in such a manner as to cause unreasonable disturbance.
- (6) Attack, molest, bite, maul or harass any person who is peaceably conducting himself or

herself any place where he/she may lawfully be. This does not preclude any action which may be taken by the Justice Court of the Town of Pound Ridge pursuant to the New York State Agriculture and Markets Law Article 7, § 121, Dangerous dogs.

§ 39-6. Confinement of dogs in heat

Owners or persons harboring any female dog in heat shall confine such dog to the premises of such person or of a veterinarian or in a boarding kennel during such period. If confined to the owner's premises as herein provided, such female dog must be securely confined in the owner's residence or when outside in the immediate vicinity of the owner's residence on a leash controlled by the owner or a responsible, capable adult. Female dogs in heat may be kept in a secure pen in the immediate vicinity of the owner's residence, provided that the owner or other responsible adult is at home at all times during such outdoor confinement.

§ 39-7. Posting of property required

In addition to all the responsibilities outlined in §§ 39-5 and 39-6 above. Owners or persons harboring dogs which are trained for the purpose of protecting persons and/or property must provide easily visible signs at each and every vehicular and/or pedestrian access to their property, warning visitors to beware of guard dogs on the site.

§ 39-8. Enforcement

A. The Pound Ridge Dog Control Officer and the Pound Ridge Police Department shall be the enforcement officers of the provisions of this Article. The Dog Control Officer or a police officer shall apprehend any dog found by him/her to be in violation of any of the provisions of this Article. Such dog shall be delivered to the Pound Ridge Veterinary Clinic or such place as may be designated by the Town Board as a place of detention and shall be properly fed and cared for until disposition thereof shall have been made in accordance with the provisions of this chapter, Article 7 of the Agriculture and Markets Law and the General Municipal Law for an impoundment period not to exceed three days. Any officer of the Town who apprehends a dog must immediately, or as soon as possible, notify the Dog Control Officer at the Pound Ridge Town House, 764-5511, so that identification can be made in a timely fashion. If, at the end of the three-day period, the owner or harbinger of the offending dog has not been found and/or has not paid the fees and penalties required by the Town of Pound Ridge, as well as the boarding and, if needed, the medical fees owed to the Pound Ridge Veterinary Clinic, the Dog Control Officer shall deliver the dog to a place as may be designated by the Town Board as a place of detention.

B. Owners of offending dogs will be unable to retrieve dogs from the Pound Ridge Veterinary Clinic or place as may be designated by the Town Board as a place of detention unless and until all fines and charges owed to the Town of Pound Ridge and the Pound Ridge Veterinary Clinic had been paid.

C. Receipts issued by the Dog Control Officer showing payment of required fees and penalties must be presented to the Pound Ridge Veterinary Clinic or place as may be designated by the Town Board as a place of detention in advance of release of the offending animal. Receipts will not be issued unless the owner or harbinger of the offending dog is in possession of a valid, state dog license.

D. Upon payment of fines and charges as provided by this Article, the offending dog shall be surrendered to the owner or custodian thereof.

§ 39-9. Filing of complaint

A. Any person who observes a dog in violation of the provisions of § 39-5 or § 39-6 hereof may file a signed verified information and supporting deposition with a Police Officer of the Town of Pound Ridge specifying the objectionable conduct of the dog, the provision hereof being violated, the date hereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

B. Following a second offense by an offending dog or following a first offense of § 39-58(6), the Dog Control Officer or police officer may serve or have served upon the owner of record or harbinger of an impounded dog a summons returnable in the Justice Court of the Town of Pound Ridge and file with the Court a verified information and supporting deposition as outlined in § 39-9A above.

§ 39-10. Issuance of summons

Upon receipt of a summons, the owner of an offending dog may be required to appear in the Justice Court of the Town of Pound Ridge. If said person shall fail to appear before the Justice, the Justice shall accept the filing of an affidavit of information from the Dog Control Officer and issue a warrant for the arrest of such person.

§ 39-11. Fines; penalties for offenses

A. Any person violating any provision of this Article may be subject to a schedule of fines established and authorized by this Article. This schedule of fines may be amended from time to time by a simple resolution of the Town Board at a public meeting. A current copy of the schedule of fines is on file with the Dog Control Officer. In cases where there are multiple violations committed by a single offender, each and every fine levied must be paid. These fines are in addition to the fees for services outlined in § 39-11 and the fees which may be charged by the Pound Ridge Veterinary Hospital, the SPCA and/or any facility so designated for boarding and/or medical treatment. These fines are also in addition to any fines which may be levied by the Justice Court of the Town of Pound Ridge.

<u>Code Section</u>	<u>Fine for First Offense</u>	<u>Fine for Second or more Offenses within a Six Month Period</u>
Violation of §39- 5B(1)	\$75.00	\$150.00
Violation of §39-5B(2)	\$75.00	\$150.00
Violation of §39-5B(3)	\$75.00	\$150.00
Violation of §39-5B(4)	\$200.00	\$400.00
Violation of § 39-5B(5)	\$200.00	\$400.00
Violation of § 39-5B(6)	\$200.00	\$400.00
Violation of § 39-6	\$200.00	\$400.00
Violation of § 39-7	\$200.00	\$400.00

- B. For habitual offenders with three or more convictions, fines may be increased up to \$800 and/or it may be required that the dog must be leashed when off the owner's property.
- C. These fines are payable to the Town of Pound Ridge. A receipt will be provided by the Dog Control Officer. Presentation of this receipt will be required by the Pound Ridge Veterinary Clinic or a place as may be designated by the Town Board before impounded dogs are released to their owner or custodian.

§ 39-12. Fees for services

- A. Any person violating any provisions of this Article shall be subject to a schedule of fees established and authorized by this Article. These fees may be amended from time to time by a simple resolution of the Town Board at a public meeting. A current copy of the schedule of fees is on file with the Dog Control Officer.

(1) For dogs impounded: \$40.

(2) Fees are doubled for second and/or all future offenses.

- B. These fees are payable to the Town of Pound Ridge. A receipt will be provided by the Dog Control Officer. Presentation of this receipt will be required by the Pound Ridge Veterinary Clinic or place as may be designated by the Town Board before impounded dogs are released to their owner or custodian. These fees are in addition to the fees which may be charged by the Pound Ridge Veterinary Hospital and/or other facilities so designated for boarding and/or medical treatment. These fees are in addition to the fines outlined in § 39-11 above and in addition to any fines which may be levied by the Justice Court of the Town of Pound Ridge.

§ 39-13. Limitation on keeping of dogs

There shall not be kept or harbored by any family or household, whether owners or tenants, more than four dogs over the age of five months. Where the occupancy of a structure shall consist of members of more than one family, the restriction on the number of dogs permitted as hereinabove set forth shall be deemed to apply to said structure; and if a portion of any such structure shall be occupied by a tenant or tenants, the aforesaid restriction shall apply to said structure, it being the intent of this provision to impose the aforesaid restriction upon all residential structures. No dogs shall be kept or harbored in a business or commercial structure, with the exception of kennels lawfully in operation under §113-2B and the Schedule of Regulations in §113-36 of the Zoning Ordinance of the Town of Pound Ridge.