

## Chapter 105

### DOGS AND OTHER ANIMALS

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[HISTORY: Adopted by the Town Board of the Town of Lewisboro: Art 1, 8-12-1980 as LL. No. 7-1980. Section 105-8B(2) and (3) amended at time of adoption of Code; see Chapter 1, General Provisions, Art 1. Other amendments noted where applicable.]

#### GENERAL REFERENCES

Appearance tickets - See Ch. 4. Noise - See Ch. 160.

#### ARTICLE I Dog Control

§ 105-1. Purpose.

The Town Board of the Town of Lewisboro 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.

§ 105-2. Authority.

This Article is enacted pursuant to the Provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

§ 105-3. Title.

The title of this Article shall be the "Dog Control Law of the Town of Lewisboro."

§ 105-4. Definitions.

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

**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, 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 escape therefrom.

**DOG** - Male and females 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.

IDENTIFIED DOGS - Any dog carrying an identification tag as provided in the Agriculture and Markets law.

LOCAL FEE - That fee established by the Town Board, after public hearing, and as authorized by Agriculture and Markets Law, Article 7, § 110, Subdivision 4.

OWNER - The party purchasing the license unless the dog is or has been lost and such loss has been 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 that 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 and violation of this Article.

RECREATIONAL AREAS - Any real property owned by the Town of Lewisboro which is used for recreational purposes by the public including, but not limited to parks or 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 - Designates the area within the corporate limits of the Town of Lewisboro.

§ 105-5. License required; appearance tickets.

A. Every person owning or harboring a dog within the Town of Lewisboro shall purchase a dog license pursuant to Article 7 of the New York State Agriculture and Markets law and shall pay an additional local fee of five dollars (\$5.) for each license purchased. Licenses shall not be required for dogs under the age of six (6) months which are not at large.

B. It shall be the duty of the Dog Control Officer to issue appearance tickets to the owners of unlicensed dogs, penalties for which are as prescribed by § 119, Subdivision 2(a), of the Agriculture and Markets Law.

§ 105-6. Prohibited acts.

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

(1) Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible adult able to control it by command. For the purpose of this Article, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.

(2) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

(3) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property not belonging to the owner of such dog.

(4) Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear, or to put such person in reasonable apprehension of bodily harm or injury.

(5) Habitually chase, run alongside of or bark at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harbinger of said dog.

(6) Create a nuisance by defecating, urinating or digging on public property or private property other than the property of said owner.

(7) If a female dog, be off the owner's premises when in heat.

B. Establishment of the fact or fact--, that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by this section of this Article shall be presumptive evidence

against the owner or harbinger of such dog that he has failed to properly confine, leash or control his dog.

§ 105-7. Enforcement.

This chapter shall be enforced by a Dog Control Officer, as defined herein, and shall be punishable under the Penal Law of the State of New York.

§ 105-8. Seizure; redemption; impoundment fees; disposition of animals.

A. The Dog Control Officer shall seize any dog found running at large in violation of this Article, and such dog shall be impounded and properly sheltered, fed and watered for the redemption period as hereinafter provided.

B. [Amended 3-14-1989 by I.L. No. 1-19891 Each dog which is not identified whether or not licensed, shall be held for a period of seven (7) 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 is licensed and is identified pursuant to the provisions of the Agriculture and Markets law, and further provided that the owner pays the following impoundment fees:

(1) Twenty-five dollars (\$25.) for the first impoundment of any dog owned by that person, plus fifteen dollars (\$15.) for each twenty-four (24) hours or part thereof

(2) Thirty dollars (\$30.) for the second impoundment within one (1) year of the first impoundment of any dog owned by that person, plus fifteen dollars (\$15.) for each twenty- four hours or part thereof,

(3) Forty dollars (\$40.) for the third impoundment within one (1) year of the first impoundment of any dog owned by that person, plus fifteen dollars (\$15.) for each twenty- four (24) hours or part thereof.<sup>2</sup>

C. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally of the facts of seizure and the procedure for redemption. Such dog shall be held for a period of seven (7) days after the day of notice, during which period the dog may be redeemed by the owner. The owner may redeem such dog upon payment of the impoundment fees prescribed by Subsection B above and by producing proof that the dog is licensed.

D. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized, provided that no such dog shall be delivered for adoption unless it has been licensed. An adoption fee of ten dollars (\$10.) shall be remitted to the Town of Lewisboro.

E. The owner of an impounded dog shall be liable for the impoundment fees, whether or not the dog is redeemed.

F. No action shall be maintained against the Town of Lewisboro, 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 Editor's Note: Amended at time of adoption of Code; see Chapter. 1, General Provision Art. 1. 2

Editor's Note: Amended at time of adoption of Code; see C@, 1, General Provisions, Art 1.

§ 105-9. Complaint procedure.

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 address, if known, of the owner of the dog.

B. Upon receipt by the Town Justice of 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:

(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 a 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 § 105-9 of this Article.

105-10. Penalties for offenses. [Amended 8-14-1984 by LL. No. 5-1984]

Any violation of this Article shall be punishable by a fine of not less than twenty-five dollars (\$25.) nor in excess of fifty dollars except that

A. Where the person was found to have violated this Article within the preceding one (1) year, it shall be punishable by a fine of not less than fifty dollars (\$50.) nor in excess of one hundred dollars (\$100.).

B. Where the person was found to have committed two (2) or more such violations within the preceding one (1) year, it shall be punishable by a fine of not less than one hundred dollars (\$100.), nor in excess of No hundred dollars (\$200.).

#### CHAPTER 105-8B AMENDMENT

B. (1) Twenty-five dollars (\$25) for the first impoundment of any dog owned by that person, plus twenty dollars (\$20.00) for each twenty-four (24) hours or part thereof.

(2) Thirty dollars (\$30.) for the second impoundment within one (1) year of the first impoundment of any dog owned by that person, plus twenty dollars (\$20.) for each twenty-four hours or part thereof.

(3) Forty dollars (\$40.) for the third impoundment within one (1) year of the first impoundment of any dog owned by that person, plus twenty dollars (\$20.) for each twenty-four (24) hours or part thereof.

Effective: September 29, 1994

Note: Fee Schedule Adopted March 7, 2005

#### TOWN OF LEWISBORO CHAPTER 105 FEE SCHEDULE

The following impoundment and shelter fees shall be charged:

Shelter fees shall be charged at \$25.00 for each twenty-four hours or part thereof that a dog is sheltered.

In addition to shelter fees impoundment fees shall be charged as follows:

1. Twenty-five dollars (\$25.00) for the first impoundment of any dog owned by that person.
2. Thirty dollars (\$30.00) for the second impoundment of any dog owned by that person.
3. Forty dollars (\$40.00) for the third or more impoundment of any dog owned by that person.