

Town of Horicon – Dog Control Law

Local Law #3 of 2010 to amend the Code of the Town of Horicon relating to the control of dogs

Be it enacted by the Town Board of the Town of Horicon, as follows:

**ARTICLE I
Control of Dogs**

Section 1. The Dog Control Law of the Town of Horicon is hereby repealed and replaced by the following:

§ 1-1. Statutory authority.

This Article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by Chapter 59, Part T, of the laws of 2010, and as may be subsequently amended or revised.

§ 1-2. Purpose.

The purpose of this Article shall be to preserve public peace and good order in the Town of Horicon and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Horicon.

§ 1-3. Definitions.

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

AT LARGE -- Off the premises of the owner.

DOG CONTROL OFFICER -- A person or persons appointed by the Town of Horicon for the purpose of enforcing this Article.

LEASHED -- Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER – The person entitled to claim lawful custody and possession of a dog and 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, or any peace 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 in, brought into or comes within the Town. Any person owning or harboring a dog for a period of one 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 shall be under 18 years of age, any 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.

§ 1-4. Prohibited acts.

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

A. Run at large, unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. 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.

B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harborer of the dog.

C. Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property of other than the owner or harborer of the dog.

D. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury. If any dog bites any person at any time, the owner or person harboring the dog must keep the dog properly muzzled at all times thereafter.

E. Chase, leap on or otherwise harass operators of bicycles or motor vehicles.

F. Kill or injure any dog, cat, household or other domestic pet.

G. Be unlicensed when four months of age or older.

H. Not have a current and valid Town of Horicon identification tag on its collar while at large, whether or not restrained by an adequate leash.

I. Be on any Town operated beach whether leashed or in the presence of the owner unless such dog is a certified service dog or a dog in use for law enforcement.

J. Chase, attack, injure, or kill any wildlife unless such action is allowed by permit, rule, or regulation of the Department of Environmental Conservation.

§ 1-5. Female dogs.

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Control Officer, or any peace officer, and removed to a safe place of confinement.

§ 1-6. Conditions for keeping dogs.

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harbinger, the dogs become the property of the Town of Horicon to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

§ 1-7. Licensing of dogs; fees.

- A. License Required. All dogs in the Town of Horicon shall be licensed with the Town Clerk by the age of four months, and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license.
- B. Expiration of License. All dog licenses shall be valid for a period of one year and shall expire at the end of the month one year from the date of issuance.
- C. License Fees. The fee for a spayed or neutered dog shall be \$5, which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out a program of animal population control. The fee for an unspayed or unneutered dog shall be \$15, which fee includes the assessment of a surcharge of \$3 for the purpose of carrying out a program of animal population control. A Replacement tags will be issued for a fee of \$3.00 per tag. Such fees shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.
- D. Enumeration Fee. When the Town Board determines the need for a dog enumeration, a fee of \$25 will be assessed to the owner of any dog found unlicensed or for which the license has not been renewed at the time the enumeration is conducted.
- E. Purebred License. The Town of Horicon shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated above.
- F. Service Dogs. The Town of Horicon shall require a license for any guide dog, service dog, hearing dog or detection dog as those terms are defined by Article 7 of the Agriculture and Markets Law, however, the license fee for such dogs will be waived.
- G. Shelters. The Town of Horicon does not allow the licensing of dogs by a shelter. The shelter shall send the adoptive dog owners to the Clerk of the town or city in which the dog will be harbored for licensing.
- H. All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.
- I. All fees shall be used in funding the administration of the Dog Control Law of the Town of Horicon.

§ 1-8. Seizure of dogs; redemption; disposition; impoundment fee.

The Dog Control Officer, or any peace officer, shall seize any unlicensed dog whether on or off the owner's premises and/or any dog not wearing a tag, not identified and not on the owner's premises.

A. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days.

B. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than five days; if notified by mail, no less than seven days.

C. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Article III of this chapter are as follows:

(1) For the first impoundment: \$15 plus the prevailing charge to the Town of Horicon for each day of impoundment.

(2) For the second impoundment: \$25 plus the prevailing charge to the town of Horicon for each day of impoundment.

(3) For the third impoundment: \$35 plus the prevailing charge to the Town of Horicon for each day of impoundment.

D. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

§ 1-9. Record of seizure.

Upon taking custody of any animal, the Dog Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.

§ 1-10. Complaints.

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with the Justice of the Town of Horicon or with the authorized Dog Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known.

§ 1-11. Enforcement.

The Dog Control Officer of the Town of Horicon shall, and all peace officers may, administer and enforce the provisions of this article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this article.

§ 1-12. Impeding Dog Control Officer unlawful.

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

§ 1-13. Disclaimer of liability.

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by a Dog Control Officer or peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

§ 1-14. Penalties for offenses.

Any violation of this article shall be punishable as follows:

First Offense: A fine of \$25. Each day a violation continues to exist shall constitute a separate violation.

Second Offense: Any violation within five years from the date of the first violation shall be subject to a fine of \$50.

Additional Offenses: Violations in excess of two within five years from the date of the first violation shall be subject to a fine of \$100 and/or imprisonment in the County jail for not more than fifteen days. The Town Board may also pursue enforcement by seeking an injunction.

Section 2. Repealer.

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

Section 3. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. When effective.

This local law shall take effect January 1, 2011, after filing with the Secretary of State of the State of New York.