

# **TOWN OF HADLEY LOCAL LAW NUMBER 1 OF YEAR 2010**

## **“Dog Control Law for the Town of Hadley”**

***BE IT ENACTED*** by the Town Board of the Town of Hadley, County of Saratoga, State of New York, as follows:

### **SECTION 1: PURPOSE**

The Town Board of the Town of Hadley 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 has 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.

### **SECTION 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.

### **SECTION 3: TITLE**

The title of this Law shall be Dog Control Law of the Town of Hadley.

### **SECTION 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, for purposes 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 Hadley.

## **SECTION 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 unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- (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.
- (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.
- (f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

## **SECTION 6: LICENSING OF DOGS**

- (a) All dogs in the Town of Hadley must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate

of Rabies at the time of licensing or the renewal of an existing license.

- (b) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.
- (c) Fees for Licensing of Dogs:  
The fee for a spayed or neutered dog will be \$5.00, (which includes a \$1.00 surcharge for the purpose of carrying out animal population control). The fee for an unsprayed or unneutered dog will be \$13.00, (which includes a \$3.00 surcharge for the purpose of carrying out animal population control). In the case of a dog which has been spayed or neutered, the application shall also be accompanied by a certificate signed by a licensed veterinarian or affidavit signed by the owner, showing that the dog has been spayed or neutered.
- (d) Purebred License: the Town of Hadley will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- (e) Service Dogs: A license for any guide dog, service dog, hearing dog or detection dog is required, but no license fee shall be charged.
- (f) The Town of Hadley hereby authorizes the Saratoga County Animal Shelter, acting by its Supervisor, to provide, accept and grant an application for a dog license at the time of the adoption of a dog from the Saratoga County Animal Shelter. The license shall be issued for a period of one year. Subsequent renewals of the license shall be done by the municipality within which the dog is harbored.
- (g) All dog licenses may be purchased and obtained by visiting the office of the Town Clerk or by regular mail or at the Saratoga County Animal Shelter as specified in Section 6(f). When licensing or renewing a license by mail, the appropriate fee must accompany the forms. Fees are non-refundable.
- (h) 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 are as follows: First offense: the same impoundment and euthanasia fees per animal that are charged to the town for such service. Second offense: \$60.00 plus the same impoundment and euthanasia fees per animal that are charged to the town for such service.
- (i) Enumeration: When the Town Board determines the need for a dog enumeration, the Animal Control Officer is hereby authorized to conduct such enumeration by whatever method he deems necessary,

including by mail. The Town Board may assess a fee to dogs found unlicensed or un-renewed at the time the enumeration is conducted.

## **SECTION 7: SEIZURE OF DOGS**

Any dog found to be running at large or any dog found in violation of paragraphs (a) – (f) of Section 5 of this Local Law, whether licensed or unlicensed, shall be seized by the Animal Control Officer and such dog shall be properly fed and cared for until redeemed by the owner, adopted or disposed of as provided by Section 118 of the Agriculture and Markets Law.

## **SECTION 8: DUTIES OF ANIMAL CONTROL OFFICER**

An animal control officer designated by the Hadley Town Board, as provided by Section 114 of the Agriculture and Markets Law, may enforce the provisions of this Local Law and may also investigate and report to the Town Justice of any dangerous dog, as described in Section 121 of the Agriculture and Markets Law, and see that the order or orders of the Town Justice in such case are carried out. The animal control officer or shall issue and serve an appearance ticket for a violation of this Local Law.

## **SECTION 9: FILING OF COMPLAINTS**

Any person who observes a dog in violation of this Local Law may file a signed complaint, under oath, with the Town Justice of the Town of Hadley specifying the nature of the violation, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

## **SECTION 10: PENALTIES**

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation; and Seventy-five Dollars (\$75.00) for each subsequent violation.

## **SECTION 11: SEVERABILITY**

Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid by a court of competent jurisdiction, all other provisions hereof shall remain valid and enforceable.

## **SECTION 12: REPEALER**

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

## **SECTION 13: EFFECTIVE DATE**

This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.