

**DOG CONTROL LOCAL LAW  
FOR THE TOWN OF MINERVA  
Local Law #1 of 2010**

**As adopted by the  
Town Board of the Town of Minerva  
on December 27, 2010**

## DOG CONTROL LOCAL LAW FOR THE TOWN OF MINERVA

As enacted \_\_\_\_ December 27, \_\_\_\_\_ 2010

### Section 1. PURPOSE

The Town Board of the Town of Minerva 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 the running at large of dogs within the Town as well as the licensing of dogs in the Town of Minerva.

### 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 Article 2, Section 10 of Municipal Home Rule Law of the State of New York.

### Section 3. TITLE

The title of this Local Law shall be "Dog Control Law of the Town of Minerva."

### 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 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 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 or comes within the town. Any person owning or harboring a dog for the period of one (1) week prior to the filing or any complaint charging a violation of this Local Law, shall be held and deemed to be the owner of such dog for this purpose of this Local Law. In the event the owner of any dog found to be in violation of this chapter shall be under 18 years of age, 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 the said dog and violation of this Local Law.

- C. "Run at large" means to be in public place or on private lands without the knowledge, consent and approval of the owner of such lands.
- D. "Public Nuisance" means, for the purposes of this local law, a dog that shall persistently bark or howl between the hours of 10:00 PM and 7:00 AM for two or more consecutive days.
- E. "Town" means the Town of Minerva.
- F. "Dog Control Officer" means any individual appointed by the Town of Minerva to assist in the enforcement of this Local Law.

## Section 5. RESTRICTIONS

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

- A. Run at large unless the dog is restrained by an adequate lease. A dog or dogs hunting in the company of a hunter or hunters as permitted under the Environmental Conservation Law shall be exempt from this Local Law.
- B. Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds, domestic animals, or other property without the consent or approval of the owner thereof.
- C. Chase, jump upon, or otherwise harass any person in such a manner as to reasonable cause intimidation or fear, or to put such person in reasonable apprehension of bodily harm or injury.
- D. Habitually chase, run along side of, or bark at a 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.
- E. 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.
- F. If a female dog when in heat be off the owners property unrestrained by a leash.
- G. 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.

- H. This Local Law shall not apply to assistance dogs for the disabled, during such time as such dogs are performing the functions for which they are trained.
- I. Any person who is annoyed by a dog in violation of this Local Law may file a signed complaint with the Dog Control Officer or any Peace or Police Officer, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog.

## Section 6. LICENSING OF DOGS

- (a) All dogs in the Town of Minerva 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. All dog licenses shall be non-transferrable.
- (c) Fees for Licensing of Dogs:  
The fee for a spayed or neutered dog will be \$5.00 (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unsprayed or unneutered dog will be \$13.00 (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (d) Enumeration Fee:  
When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.
- (e) Purebred License:  
The Town of Minerva will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- (f) Service Dogs:  
The Town of Minerva will not require a license for any certified guide dog, service dog, hearing dog, or detection dog. To qualify, dog owners must provide the Town Clerk with a copy of the dog's certification papers.
- (g) The Town of Minerva does not allow the licensing of dogs by a shelter. The shelter

MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing or to the Town Clerk of the Town of Minerva where the Shelter is located for the purchase of the license for adoption purposes.

(h) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.

(i) All fees will be used in funding the administration of the Dog Control Law of the Town of Minerva.

(j) 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 services plus \$10. Second Offense: \$20.00 plus \$3.00 for each 24-hour period of impoundment plus the impoundment and euthanasia fees per animal as charged to the town for such services. Third and subsequent offenses, \$ 30.00 plus \$3.00 for each 24-hour period of impoundment plus the impoundment and euthanasia.

(k) Amnesty Program:

To encourage dog owners who may have neglected the licensing of their dogs in the past to correct this error, the Town of Minerva may, by resolution of the Town Board establish a licensing amnesty period of no more than 90 days at the beginning of each calendar year. During that period, owners of unlicensed dogs will have the opportunity to license their dog(s) without penalty while paying all applicable licensing fees and providing all required rabies and other certificates. Such amnesty programs must be renewed by resolution of the Town Board annually.

## **Section 7 PROCEDURE FOR SEIZURE OF DOGS**

The seizure and impounding of dogs in violation of Article 7 of the Agriculture and Markets Law and of Section 5 (a) of this Local Law is as follows:

(a) The Dog Control Officer or Peace Officer or Police Officer shall seize:

- i. Any unlicensed dog whether on or off the owner's premises;
- ii. Any dog not wearing a tag, and after January 1, 2011, not identified, and which is on the owner's premises, and
- iii. Any dog found in violation of paragraphs (a)-(j) of Section 5 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the

provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Minerva is carried out.

- (b) The Dog Control Officer or Peace Officer or Police Officer observing a violation of this law in his presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Minerva specifying the nature of the violation, the date thereof, a description of the dog and the name of a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.
- (d) The owner of any dog impounded by the Town of Minerva shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and pays a fee according to the fee schedule included in Section 6 (j) of this Local Law.

#### **Section 8. PENALTIES**

A violation of this Local Law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be liable to: 1<sup>st</sup> Offense: a fine of Minimum twenty-five dollars unless the person has violated this Local Law, the Town's prior Dog Control Ordinance or the former Article 7 of Agriculture and Markets, Section 120 within the last five years in which case, the fine may not be less than fifty dollars. If the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not less than one hundred dollars or imprisonment of not more than fifteen days or both.

#### **Section 9. PROTECTION OF DEER**

1. The Town of Minerva reserves the right to establish, by resolution of the Town Board, a confinement period for the protection of deer. This may be established when it is determined that the deer population in the Town of Minerva is suffering severe depredation due to dogs attaching, chasing, or worrying deer. If the Town Board, by resolution, determines that a confinement period is warranted, it will establish a limited time period during which all dogs shall be securely confined.
2. Notice of such order shall be given by publication in a newspaper or newspapers of general circulation serving the Town of Minerva and by filing a copy of the order in the office of the Town Clerk. Such order shall be in full force and effect at the expiration of twenty-four hours following publication of such notice.

3. If any dog is not confined as required by such order, any dog control officer, peace officer, acting pursuant to his special duties, or police officer shall seize such dog. Any dog so seized shall be subject to the provisions of Section 7 of this Local Law. A dog shall not be deemed to be in violation of such order if accompanied by and under the full control of the owner.

4. If any dog, which is not confined as required by such order, shall attack, chase or worry any deer, any dog control officer, peace officer, acting pursuant to his special duties, or police officer upon witnessing the same, shall destroy, or seize and destroy, such dog, and no liability in damages or otherwise shall be incurred on account of such destruction.

5. If any dog shall kill or cripple any deer, the owner shall be subject to a civil penalty in the amount of one hundred dollars for the first deer killed or crippled by the dog or by the pack of dogs, if any, of which the dog was a member, and in the amount of one hundred fifty dollars for each additional deer killed or crippled, to be recovered in an action brought by the Supervisor of the Town of Minerva on behalf of the people of Minerva.

6. This section and any order issued pursuant thereto shall not apply to dogs in special dog training areas or shooting preserves enclosed and licensed pursuant to the provisions of the environmental conservation law, while such dogs are under the control of the owner or trainer.

#### **Section 10. SEPARABILITY**

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, all other provisions hereof shall remain valid and enforceable.

#### **Section 11. EFFECTIVE DATE**

This Local Law shall take effect on January 1, 2011.

#### **Section 12. SUPERSEDE**

This Local Law shall supersede any previous versions of the "Dog Control Ordinance of the Town of Minerva" as previously adopted as of the effective date so noted under Section 11.

*Dated: December 27, 2010*  
*By Order of the Town Board of the Town of Minerva.*