

Town of Enfield Dog Control Law
Local Law No. 3 of the Year 2010

BE IT ENACTED, by the Town Board of the Town of Enfield as follows:

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

SECTION 1. PURPOSE

The purpose of the law is to promote the public health, safety, and welfare of the community, including the protection and preservation of the property within the Town of Enfield and its inhabitants, and for the peace and good order therein by regulating and controlling activities of dogs within the Town of Enfield and providing for enforcement thereof.

SECTION 2. PROHIBITED ACTS.

Any owner of a dog or any other person who harbors any dog in the Town of Enfield shall be in violation of this law if such dog:

- A. Is not restrained by an adequate collar and leash or under full control of a responsible person, when not on the property of the owner, or any other person harboring or having custody or control of the dog or when on the property of its owner if the property is a multi-family dwelling unit. For purposes of this law, a dog or dogs hunting in the company with a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in such habitual loud barking, howling, or whining so as to cause a person's rest to be broken, his sleep to be interrupted, or the reasonable use or enjoyment of his home or property to be otherwise interfered with, disturbed or diminished, or that causes a person to be otherwise harassed, annoyed or disturbed. Livestock herding and guard dogs used in agricultural operations in a NYS Certified Agricultural District are exempt from this provision.
- C. Causes damage or destruction to property, or repeatedly defecates, urinates or otherwise commits a nuisance other than on the premises of the person owning or harboring such dog.
- D. When not on the property of the owner, chases or otherwise harasses any person in such a manner as reasonable to cause intimidation or put such person in reasonable apprehension of bodily harm or injury.
- E. When not on the property of the owner chases, barks at, leaps on or otherwise harasses any bicycle, motorcycle, motor wagon, carriage or any other vehicle or device used by persons for travel or as a conveyance, or any riders or occupants thereof, or any horses or animal including any rider thereon, or any cat, dog, or domestic animal.
- F. If it is not wearing a valid and current Town of Enfield dog license while off the owners property, whether or not restrained by an adequate collar and leash.
- G. Is unlicensed when four months of age or older or when a dog license has not been renewed pursuant to the Agriculture and Markets Law, Article 7.

SECTION 3. ENFORCEMENT.

Any person or persons, who are or may be lawfully authorized by the Town shall, and all peace officers may, administer and enforce the provisions of this Law, and for such purpose shall have the authority to issue appearance tickets in accordance with Article 7 of the Agriculture and Markets Law.

SECTION 4. FILING OF COMPLAINTS.

Any person who observes a dog in violation of any acts prohibited by this Law may file a signed complaint, under oath, with a Town Justice of the Town of Enfield specifying the objectionable conduct of the dog, the date thereof, the damage caused or the acts constituting violation of this Law and including the place or places where such conduct occurred and the name and residence, if known, of the owner or other person harboring such dog.

SECTION 5. MINOR OWNER: RESPONSIBILITY OF HEAD OF HOUSEHOLD

If any dog in violation of this Law is owned by a person under 18 years of age, the head of household in which said person resides shall be deemed to be the owner or person harboring such dog and shall be responsible for the acts of said dog for the purpose of this Law.

SECTION 6. PRESUMPTION.

The fact that a dog is not restrained or controlled in the Town of Enfield elsewhere than on the premises of the owner or person harboring such dog shall be presumptive evidence that the dog has been permitted to be unrestrained or uncontrolled with the knowledge of the owner or person harboring the dog or having custody of the dog.

SECTION 7. VIOLATIONS.

No person shall hinder, resist, or oppose the dog control officer, peace officer, dog enumerator, or other person authorized to administer or enforce the provision of this Law of the Town of Enfield in the performance of the officer's duties under this Law.

SECTION 8. PENALTIES.

A violation of this Law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a penalty of not more than \$25.00 per citation for the first violation, not more than \$50.00 per citation for the second violation, not more than \$75.00 per citation for the third, and all subsequent violations shall not exceed \$250.00 per citation, or by imprisonment for a term not to exceed five days, for each violation. These penalties shall be in addition to any other penalty provided by law.

SECTION 9. VALIDITY.

If any section, paragraph, subdivision, clause, phrase, or provision of this Law shall be judged invalid or held unconstitutional, it shall not affect the validity of this Law as a whole or any part of provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 10. ANNUAL LICENSE FEES.

Pursuant to the provisions of the New York State Agriculture and Markets Law Article 7 the additional fee to be collected by the town clerk, in addition to those set by the New York State Agriculture and Markets Law Article 7 shall be:

- (1) Ten dollars (\$10.00) for each neutered or spayed dog.
- (2) Twenty dollars (\$20.00) for each unaltered dog.

SECTION 11. IMPOUNDMENT FEES:

Pursuant to the provision of the Agriculture and Markets Law Article 7, the impoundment fees to be paid by the owner of any dog in the Town of Enfield seized by any Dog Control Officer, police or peace officer shall be:

- A. Twenty-five dollars (\$25.00) for the first impoundment of any dog owned by that person.
- B. Fifty dollars (\$50.00) for the first twenty-four hours or part thereof and ten dollars (\$10.00) for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person.
- C. Seventy-five dollars (\$75.00) for the first twenty-four hours or part thereof and ten dollars (\$10.00) for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

SECTION 12. PRIOR DOG CONTROL LAW.

This law amends Local Law #1 of 2006.

SECTION 13. EFFECTIVE DATE.

This Local Law shall take effect the 1st day of January, 2011.