

**TOWN OF ENFIELD**  
**Local Law # \_\_ of 2024**  
**Dog Control and Licensing Local Law and Regulations**

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

**SECTION 1. TITLE:** The title of this local law shall be “Town of Enfield Dog Control and Licensing Local Law and Regulations,” hereinafter referred to as the local law.

**SECTION 2. AUTHORITY AND PURPOSE:** This local law is adopted pursuant to Articles 7 and 26 of the Agriculture and Markets Law of the State of New York, § 10 of the Municipal Home Rule Law, the Statute of Local Governments, and Town Law §§ 64 and 130. The purposes of this local law are to provide for the licensing and identification of dogs; to provide for the control and protection of the dog population and the protection of persons, property, and other animals from dog attacks and damage; and to promote the public health, safety, and welfare of the community, including the protection and preservation of the property of residents of the Town and its inhabitants, and of the peace and good order therein, by regulating and controlling activities of dogs within the Town of Enfield and providing for enforcement thereof. This local law shall apply to all areas of the Town of Enfield.

**SECTION 3. EXEMPTIONS:** This local law shall not apply to any dog confined to the premises of any public or private hospital devoted to the treatment of sick animals or confined to an animal shelter devoted to the impounding of and caring for animals. In the event that any dog owned by a nonresident of the Town of Enfield is temporarily harbored within the Town for a period of 90 days or less, such dog shall be exempt from the identification and licensing provisions of this local law, provided such dog is licensed pursuant to the provisions of law in the owner’s area of primary residence.

**SECTION 4. DEFINITIONS:** As used in this local law, the following words shall have the following meanings:

A&M LAW - The New York State Agriculture and Markets Law, as now written or as hereafter amended or re-codified.

ALTERED - A dog that has been spayed or neutered.

ANIMAL CONTROL OFFICER - Any dog control officer, dog warden, any person appointed by the Town (and any other municipality or governmental authority with requisite jurisdiction) to enforce the terms of this local law or the A&M Law, and any police or peace officer acting under this local law or the A&M Law.

AT LARGE - Any dog that is not upon the premises of its owner or that is in a public place (including a highway or road) whenever such dog is not under the command and control of its owner or a responsible adult by means of a functioning collar (or harness) and leash sufficient to control and restrain the dog.

COMPANION ANIMAL - A companion animal as defined by law, generally including any dog

or cat, and also including any other domesticated animal normally maintained in or near a household where the householders harbor the animal, but not including “domestic animals” as defined in the A&M Law.

**DANGEROUS DOG** - Any dog that, without justification: (i) attacks a person, companion animal, farm animal, or domestic animal and causes physical injury or death; (ii) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals; (iii) attacks a special service dog and causes physical injury or death; or (iv) any dog that otherwise meets the definition of a “dangerous dog” as defined by law or the A&M Law. A dangerous dog does not include a special service dog while being used to assist one or more law enforcement officers in the performance of their official duties.

**DOG** - Any species of *Canis lupus familiaris*, *Canis familiaris*, or *Canis domesticus*, any crossbreed of any domestic dog with any member of the family *Canidae* (such as a wolf or coyote), or any other canine harbored and kept as a pet in the Town.

**DOMESTIC ANIMAL** - Any domestic animal as defined by law, generally including domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail, or other deer which is raised under license from the New York State Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the New York State Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals under this local law.

**FARM ANIMAL** - Any farm animal as defined by law, generally including any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals raised for working, commercial, or subsistence purposes. Fur-bearing animals shall not include dogs or cats.

**HARBOR or HARBORING** - To provide food or shelter, usually (but not exclusively) upon a regular, recurring, or repeated but intermittent basis.

**IDENTIFICATION TAG** - A tag, medallion, or similar device issued by the Town of Enfield, or other licensing agency, which sets forth information about the dog and its licensing or vaccination status, such as an identification number, the name of the municipality and such municipality’s contact information and telephone number, and such other information as the licensing authority requires or deems appropriate.

**IDENTIFIED DOG** - Any dog carrying an identification tag.

**KENNEL or KENNELING** - Refers to land uses, facilities, and the acts of any person who owns or harbors five or more dogs on any one or more contiguous parcels of land. Each such person shall be deemed to be operating a public or private kennel.

**NUISANCE** - Means any condition which would reasonably be expected to be substantially offensive and objectionable to neighbors or those using nearby properties and roads, generally including any acts or conditions within the common law definition of a public or private nuisance, and also including the following:

1. Conditions and behaviors that promote the breeding of flies, mosquitoes, rodents or any other animals or insects, which bite or are commonly carriers of disease;
2. The presence of obnoxious odors or substances, or the urination or deposit of feces on lands other than those of the owner or owner of record;
3. Excessive loud, repeated, habitual or continued barking, howling, or whining so as to cause a reasonable person's rest to be broken, his or her sleep to be interrupted, his or her 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;
4. Any dog that chases any person or bicycle, automobile, horse, contrivance, or other vehicle upon any public highway or road;
5. Any dog that habitually chases or otherwise harasses any person in such a manner as might reasonably cause intimidation or put said person in reasonable apprehension of bodily harm or injury or fear of imminent attack;
6. Any dog that causes damage or destruction to or upon property that is not the property of the owner, including uprooting, digging, or otherwise damaging any vegetables, lawns, flowers, garden beds, landscaping, or causing damage to other animals or the property of other persons without, in each case, the consent or approval of the owner(s) thereof.
7. Any dog that is a dangerous dog that is not securely confined at all times, or otherwise secured, managed, or handled as ordered by any court or other tribunal of competent jurisdiction.

In limitation of the foregoing enumerated definitions, when dogs are kept and used for agricultural purposes in any agricultural district or farm, the noises or odors of common agricultural operations shall not be construed as being a nuisance, public or private, under this local law.

**OWNER OF RECORD** - The person purchasing the license or in whose name any dog was last licensed. An Owner of Record shall be 18 years of age or older; no minor may license a dog in the Town of Enfield.

**OWNER or OWNERSHIP** - Any person who owns or harbors any dog or any person who has licensed such dog. If a dog is not licensed, the term "owner" shall designate and cover any person who at any relevant time owns or has custody or control of, harbors, or is otherwise responsible for any dog that is kept, brought, or comes within the Town. Any person harboring a dog for a period of one week shall be deemed an owner for the purposes of this local law. In the event that an owner of a dog shall be a minor, each adult head of household in which said minor resides shall be deemed to be an owner with custody and control of said dog and responsible for any acts of said dog.

**PERSON** - Any public or private individual, corporation, partnership, association or other organized group of individuals or other legal entity.

PUREBRED DOG - A dog registered by a nationally recognized registry association.

PUREBRED LICENSE - A group dog license for persons raising purebred dogs.

RECOGNIZED REGISTRY ASSOCIATION - Any registry association that operates on a nationwide basis, issues numbered registration certificates, and keeps such records as may be required by the A&M Law or the rules and regulations of the New York State Commissioner of Agriculture.

SPECIAL SERVICE DOG - Means a dog defined as such by New York State laws or regulations, including but not limited to A&M Law § 108, and generally including the following summary definitions thereof:

1. A detection dog as defined by law, generally including any dog that is trained and actually used for detecting, or that is undergoing training to be used for the purpose of detecting, controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband;
2. A guide dog as defined by law, generally including any dog that is trained to aid a person who is blind and actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred for such purpose;
3. A hearing dog as defined by law, generally including any dog that is trained to aid a person with a hearing impairment and actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose;
4. A police work dog as defined by law, generally including any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and actually being used for police work purposes;
5. A service dog as defined by law, generally including any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative;
6. A therapy dog as defined by law, generally including any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes, and other settings and actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose;
7. A Tompkins County working dog as defined by law, generally including any guide dog, hearing dog, service dog, working search dog, war dog, detection dog, police work dog, or therapy dog duly licensed and wearing a Tompkins County working dog tag;
8. A war dog as defined by law, generally including any dog which works for or has been

honorably discharged from the United States Armed Services;

9. A working search dog as defined by law, generally including any dog that is trained to aid in the search for missing persons or actually used for such purpose; or
10. Any other similar service dog now or hereafter defined by law as being subject to special exemptions or rules relative to licensing, access, service to the public, or animal behavior.

TOWN - The area within the corporate limits of the Town of Enfield.

TOWN BOARD - Town Board of the Town of Enfield.

TOWN CLERK - The Enfield Town Clerk.

UNALTERED - Any dog that is not spayed or neutered.

## **SECTION 5. LICENSING:**

- A. License required. The Town Clerk shall provide, accept, and grant applications for dog licenses required by Article 7 of the A&M Law and for purebred dog licensing, for all dogs harbored within the Town. In addition, the Town Board may authorize by resolution the manager of a pound or shelter established or maintained by the Town, or with which it contracts for shelter services, to provide, accept, and grant applications for such licenses made by a resident of the Town at the time of the adoption or redemption of a dog from the pound or shelter, provided the application is made in accordance with Town procedures, and further provided the manager remits to the Town the license fees and any additional fees, surcharges, and assessments referenced in this local law.
- B. Application. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that the dog is too young to be vaccinated or that, because of old age or another reason, the life of the dog would be endangered by the administration of the vaccine. In the case of an unlicensed dog being redeemed by the owner or a dog being adopted from a shelter, copies of rabies vaccination records shall be forwarded to the Town Clerk. A new rabies certificate shall be required if the one on record has expired or expires within 30 days of the date of renewal of the dog license.
- C. Fee. The dog owner shall pay the Town (or manager of a pound or shelter as authorized by Town Board resolution) license fees and surcharges as set from time to time by Town Board resolution, and the dog owner shall also pay the Town or authorized manager any fees, surcharges and assessments set forth in Article 7 of the A&M Law. In the event that the State of New York changes or adds any state surcharges, assessments or fees related to dogs, the total fee to be charged shall be modified to include the then-current fees, surcharges, and assessments. The initial fee for the local portion of dog licenses is hereby set as follows:
  1. \$12.00 for each altered (neutered or spayed) dog.
  2. \$24.00 for each unaltered dog.
  3. \$40.00 for Purebred license as a base fee, plus \$5.00 for each dog licensed or registered thereunder.
  4. Accruing late fees of \$5.00 each month for dog licenses that are not renewed within 30 days of their annual renewal date.

- D. When required. All dogs reaching the age of four months shall be licensed by its owner(s). However, no license shall be required for any dog residing in a pound or shelter maintained by or under contract or agreement with the State of New York or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association.
- E. Reduced fees for altered dogs. In the case an altered dog license is sought, such application shall be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, proving or showing that the dog has been spayed or neutered. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for an altered dog.
- F. Issuance and renewals. Upon receiving the required documents and the fee, the Town Clerk shall issue a license and identification tag. An original license shall be issued for a period of one year and shall expire on the last day of the month one year from the date of issue. License renewal forms shall be mailed by the Town Clerk and any such renewal shall expire on the last day of the month in the same month that it was originally issued. A license originally issued in January will always expire in January, and renewing early or late does not change the renewal month. Any license renewal that is the subject of an issued appearance ticket for non-licensing shall pay a late renewal surcharge in an amount as set forth in the fee schedule determined from time to time by resolution of the Town Board. Owners having more than one dog may request common renewal dates for licenses, which request may be granted at the discretion of the Town Clerk, provided that all other licensing and renewal requirements are met. No licensing fees or surcharges will be prorated, refunded, or waived when accommodating such a request. Upon renewal, the Town Clerk shall provide a validated license to the owner. Clerk's copies of licenses and renewals shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.
- G. Fee schedules authorized. The Town Board is authorized to establish by resolution a schedule of fees pertaining to the licensing, identification and enumeration of dogs. The Town Board may amend the fee schedule by resolution from time to time as it deems appropriate. The most current fee schedule will be kept on file in the office of the Town Clerk for public inspection. All revenue derived from such fees shall be the sole property of the Town and shall be used only for controlling dogs, enumerating dogs, enforcing this local law and the A&M Law, and to subsidize the spaying or neutering of dogs or public humane education programs related to responsible dog ownership. In no event shall any money derived from license fees be used to subsidize the spaying or neutering of cats or animals other than dogs, except as expressly allowed under the A&M Law.
- H. License fees nonrefundable. No license fees or surcharges are refundable or partially refundable in the event that a dog is lost, stolen, sold, given away, surrendered, or deceased before the expiration of the license, or for any other reason.
- I. Unlicensed dog and other surcharges. An additional fee may be established by resolution of the Town Board should a dog be identified as unlicensed during an enumeration, and that fee or surcharge shall be used to defray the costs of such enumeration. In addition to the fees set by the Town Board, an additional New York State Spay/Neuter Surcharge shall be assessed for the

purpose of carrying out population control efforts as mandated by Article 7 of A&M Law.

- J. Replacement tags. Each applicant for a replacement dog identification tag shall pay a fee or surcharge in accordance with the Town's fee schedule.
- K. Exemptions for special service dogs. Unless preempted by state or federal law, all special service dogs must be licensed.
- L. Special rules for purebred dog licenses.
  - 1. Purebred licenses are offered in the Town as an alternative to individual dog licenses for owners actively involved in the breeding and sale of purebred dogs. To qualify for a purebred license, a person must own five or more purebred dogs and at least five of those dogs must be unaltered.
  - 2. Application for a purebred license shall be upon forms as provided by the Town Clerk and shall include:
    - a. Rabies vaccination certificates for every dog listed on the license;
    - b. Copies of registry papers for every dog or a comprehensive list of recognized registry association registry numbers or memberships;
    - c. An accurate listing of every dog over four months old; and
    - d. A purebred license fee as set forth in the fee schedule.
  - 3. Once approved, the Town Clerk shall assign a purebred license identification number and license, which shall be valid for one year and thereafter subject to renewal by application.
  - 4. The Town Clerk may investigate any application for a purebred license, including by seeking verification of the number of dogs listed or claimed, or the validity of recognized registry association registry numbers or memberships.
  - 5. No purebred license is transferable and, upon a change of ownership of any dog licensed under a purebred license, the new owner shall immediately make application for a new license, unless such owner holds a valid purebred license and adds the dog to such purebred license.

**SECTION 6. IDENTIFICATION OF DOGS:** When a dog is originally licensed a Town of Enfield identification number will be assigned and an identification tag shall be issued, which shall be worn by the dog at all times. The identification tag will contain such information as is required by the A&M Law or as directed by the Town Clerk. Existing A&M Law dog licenses being renewed or transferred from another municipality shall be assigned a Town of Enfield identification number and an identification tag shall be issued, which shall thereafter be worn by the dog at all times. No identification tag shall be affixed to the collar of any dog (or otherwise worn or carried) other than the dog to which it was assigned. Lost identification tags shall be replaced. Dogs participating in a

dog show are exempted from wearing an identification tag only for the duration of the show.

**SECTION 7. CHANGES OF ADDRESS OR OWNERSHIP:** When there is a change of address for the owner or owner of record, such person shall notify the Town Clerk of such change and, if still within the Town, the Town Clerk shall make the appropriate updates to the dog license record. If outside the Town the Town Clerk shall make a note in the record, cancel the license, and forward a copy of the cancelled license to the clerk of the municipality to which the owner has moved, informing said clerk that the dog now resides in their municipality. In the event of a change in the ownership of any dog licensed in the Town, the new owner shall immediately make application for a license for such dog. Additionally, the original owner of record shall notify the Town Clerk of the change of ownership. Such original owner of record shall be liable for any violations of or under this local law until such filing is made or until the dog is licensed in the name of the new owner.

**SECTION 8. GENERAL PROVISIONS:**

- A. Lost, stolen, or deceased dogs. If any dog licensed in the Town is deceased, stolen, or lost the owner and the owner of record shall notify the Town Clerk within 10 days of the discovery of such loss, theft or death.
- B. Lists of licensed dog owners. No dog licensing records, information, or lists shall be made available to any person or company for commercial purposes.
- C. Kennels and kenneling. Any person owning or operating a kennel or who engaged in kenneling under this local law shall meet the following requirements:
  - 1. All animal food shall be kept under cover and in sealed containers;
  - 2. All animal waste shall be removed daily from the premises in tightly covered containers;
  - 3. The premises shall be maintained so as not to constitute a nuisance.

This subsection shall not apply to the keeping of dogs in agricultural districts for agricultural or herding purposes. Nor shall this provision apply to licensed veterinarians, animal hospitals, or similar facilities supervised by licensed veterinarians.

- D. Sanitary conditions; cruelty prohibited. All premises occupied by dogs shall be kept in a clean, sanitary condition. Adequate food, water, shelter, air, light, and space must be provided for each dog, including when kenneled or kept outside. The term "adequate" shall mean as is reasonable and sufficient for the age, size, and number of dogs harbored or kenneled. It shall be unlawful for any person to torture, torment, poison, deprive of necessary sustenance, unnecessarily or cruelly beat, or otherwise abuse or inadequately care for or needlessly mutilate a dog. No person shall needlessly kill a dog, unless otherwise authorized by law, such as when lawfully acting in defense of self or another person or animal.
- E. Reasonable confinement when in heat. All female dogs in heat shall be confined to the premises of their owner and may not be left outside unattended, even when on the property of their owner.
- F. Cooperation with animal control officers. No person shall intentionally hinder, resist, or oppose the acts or investigations of any authorized Animal Control Officer, or of any other person



authorized to administer or enforce the provisions of this local law when in the performance of his or her duties.

- G. Presumptions. The fact that the dog violates any of the requirements or provisions of this local law or the A&M Law shall be presumptive evidence that the dog has been permitted to be in or commit such violation with the knowledge of the owner, the owner of record, and any person harboring the dog.

**SECTION 9. PROHIBITED ACTS AND VIOLATIONS:** Any violation of or noncompliance with the requirements of this local law shall be a violation of and offense committed under this local law. In addition, any owner of any dog, or any other person who harbors or is custodian of any dog, shall be in violation of this local law whenever the following events occur or are allowed to occur:

- A. At large; leashing. A dog runs at large or, when not on the property of the owner or other person harboring or having custody or control of the dog; a dog is not properly restrained by a person capable of handling such dog and an adequate collar and leash (or harness). No such leash shall exceed eight feet in length. However, dogs engaged in hunting, and training as authorized under the New York State Environmental Conservation Law, including with respect to the lawful acts of hunting, flushing, and retrieval, shall not be deemed at large when in the presence of their owner or trainer.
- B. Noise. A dog engages in excessive loud, repeated, habitual or continued barking, howling, or whining so as to cause a reasonable person's rest to be broken, his or her sleep to be interrupted, his or her 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.
- C. Damage or destruction of property. A dog causes damage or destruction to property, or defecates, urinates, or otherwise commits a nuisance other than upon the premises of the person owning or harboring such dog.
- D. Chasing, harassing, or worrying; attacks. When not on the premises of the person owning or harboring such dog, a dog:
  - 1. Chases or otherwise harasses any person in such a manner as reasonably to cause intimidation to such person, to put such person into reasonable apprehension or bodily harm or injury, or to cause such person to fear an imminent attack; or
  - 2. Chases, barks at, leaps on, or otherwise attacks 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 horse, including any rider thereon, or other animal.
- E. Nuisances. Any nuisance is allowed or created.
- F. Required identification tag. A dog is not wearing a current valid Town dog license identification tag, unless exempt from this requirement, or unless:
  - 1. Such dog is only temporarily within the Town and such dog's or owner's presence is transitory in nature, such as an overnight stay at a hotel, a tourist's visit of limited and short duration, participation in a dog show, or participation in training as a special service

dog;

2. Such dog is owned by a resident of New York City and is licensed by the City of New York, but only for the first 90 days such dog is first harbored within the Town; or
3. Such dog is owned by a nonresident of New York State and is licensed by a foreign jurisdiction, but only for the first 90 days such dog is first harbored within the Town.

- G. Redemption. Any dog is not redeemed within five days after a notice of seizure is given or delivered to the Owner or Owner of Record.
- H. False identification tags and information. Any dog displays or wears any false or improper identification tag, or one as belongs to another dog, or if any dog is the subject of any false or misleading information provided upon any license or form, or to any Animal Control Officer or any other official or employee of the Town.
- I. Orders and restraints; dangerous dogs. A dog is not confined or restrained in accord with any lawful order of any court, or any other condition or requirement attached by lawful court order to the keeping, ownership, or harboring of any dog and such condition or requirement is unmet or breached, or an owner or owner of record of any dangerous dog does not provide notice of relocation or any change in residency, the location of the harboring, or the ownership of any dangerous dog.

#### **SECTION 10. PUBLIC NUISANCES TO BE ABATED:**

- A. Inspection of violations and nuisances. The Animal Control Officer may investigate the maintenance and premises of where any dog is kept or harbored and whenever, after inspection, he or she shall determine the maintenance or manner of maintenance of any dog is contrary to law or is injurious to the dog, or is injurious to neighboring property, or constitutes or is becoming a nuisance, he or she shall prepare a written determination setting forth such findings in detail and ordering the person owning or having custody or control over such dog to take appropriate remedial action as specified in the written determination by a specified reasonable date (the "Notice and Order").
- B. Remedial orders. Said Notice and Order shall be personally served upon the owner of such dog and the owner of the land upon which such dog is harbored or then situate, and a copy thereof shall be filed with the Town Clerk and the Town Supervisor. However, the failure to so file such Notice and Order shall not affect the legality of the service or be a jurisdictional prerequisite to enforcement of this local law. Any person who believes a Notice and Order is invalid or unreasonable may appeal to the Town Board for a determination thereupon. Such appeal must be made and filed with the Town Clerk within five days of the date of service of the Notice and Order and must specify each ground of objection or appeal, and the Town Board shall hold a public hearing thereupon within 20 days of such appeal being filed, whereat such evidence and statements may be taken as are held relevant, and at which the appellant may submit its proof, arguments, and evidence. A written determination of the Town Board shall be issued within 10 days of the close of the public hearing (the "determination"). If the Notice and Order is upheld, the appellant shall come into compliance with such Notice and Order by the date stated therein, or within 10 days of the determination, whichever later occurs.

C. Determinations; impoundments. Any determination may grant, grant in part, or deny such appeal and support, support in part, reverse, cancel, or augment the Notice and Order. In addition, a determination may also require, order, or direct the:

1. Cleaning of wastes, kennels, dog houses, animal food, other materials utilized in connection with the dogs, and direct that such conditions ordered cleaned up shall not be permitted to recur;
2. Keeping, harboring, penning, housing, or kenneling of dogs in a specified manner adequate to protect such dogs, prevent their running at large or their entry upon neighboring or public property;
3. Relocation of any enclosures or the soundproofing or screening of structures and devices used to pen, house, or harbor any dogs;
4. Placing of food and refuse in tightly covered containers approved by the State Property Maintenance Code for garbage and rubbish, as well as the periodic removal of any garbage or rubbish;
5. Removal of any dogs from any premises if such dogs have been subject to illegal abuse or torture, neglect, or if the owner(s) have hampered or obstructed the official duties of any Animal Control Officer.

In all cases, any dog removed or impounded shall be returned as soon as possible once the cause for removal or impoundment has been remediated, subject to the payment of any applicable impoundment fees by the owner(s).

- D. Compliance. All owners (and all landowners) shall comply with any Notice and Order and determination, and any Animal Control Officer shall investigate and verify such compliance, as well as continued future compliance if and as reasonably required given the nature of the nuisance sought to be abated. The failure to comply with the Notice and Order or any determination shall also be a violation of and offense under this local law.
- E. Nuisance remedies cumulative. The Town may take any other action as is appropriate in its discretion and as allowed by law to prevent or abate any public nuisance.

**SECTION 11. LIABILITY OF OWNER:** If any domestic animal, farm animal, or companion animal is injured or killed as a result of being attacked, chased, or worried by any dog, the owner of said dog shall be liable to claims for such damages. The owner of such injured or killed animal may make a complaint to the Animal Control Officer, who shall proceed pursuant to the dangerous dog rules of the A&M Law. In no event shall the Town be liable or responsible for any damage done by any dog.

**SECTION 12. DANGEROUS DOGS:** The determination of a whether any dog is a dangerous dog, and the prosecution of special proceedings in relation to dangerous dogs, shall be in accord with A&M Law Article 7 and, as applicable, Article 4 of the Civil Practice Law and Rules. In the event that a dog is determined to be a dangerous dog, the court shall give notice to the Town Clerk of such determination and a note will be made in the dog's record. Additionally, the Town Clerk shall notify the Animal Control Officers and local and county law enforcement and emergency services

personnel of such determination. All requirements as to confinement, control, and notices as to such dangerous dog and its movement and location shall be strictly adhered to by each owner and all owners of record. If an insurance policy insuring against damages to persons and property by any dangerous dog is required by any court order or similar adjudication, such owner or owner of record shall supply proof of annual renewal of such policies as comply with the A&M Law and such court order or other adjudication, and the failure to promptly and timely supply the same shall be a violation of and offense under this local law that shall also require the immediate impoundment of such dangerous dog. All other facilities and devices ordered to be built, implemented, or used in relation to dangerous dogs shall be periodically inspected by the Animal Control Officer to help ensure continued use and compliance.

**SECTION 13. DESIGNATED OFF-LEASH AREAS AND DOG PARKS:** Nothing in this local law is intended to prohibit a dog from running at large in such off-leash areas as the Town Board may designate after a public hearing by resolution, or in any dog parks designated by the Town Board by like process of a public hearing and resolution. The Town Board may hold a public hearing on its own motion and may dedicate such land upon such terms and conditions as it deems advisable to protect the health and safety of residents or to promote public peace and order. The Town Board may also discontinue such designation or use at any time or amend the land areas affected or rules and conditions so declared, at any time by like process of a public hearing and resolution thereupon. At a minimum, the following rules shall apply to all off-lease and dog park areas:

- A. All dogs in such areas must be licensed as required by this local law and must have a non-expired rabies certificate at all times while the dog is in such areas.
- B. No animal other than dogs are permitted in off-leash and dog park areas, and any person that takes a dog into a designated off-leash area must have physical control of the dog by means of a leash when entering and leaving the off-leash area and must maintain voice control over the dog and keep the dog in sight at all times while in the off-leash area.
- C. Each person bringing a dog into an off-leash area shall be responsible for the conduct of such animal and shall be responsible for all injury to person or property caused by the dog.
- D. Dogs showing aggression toward other persons or dogs must be immediately leashed and removed from the off-leash area.
- E. Each person bringing a dog into the off-leash area shall carry the proper equipment for removing feces and shall remove the feces from the designated area and dispose of same in a sanitary manner by placing the feces deposited by such dog in an appropriate receptacle.
- F. Professional dog trainers may not use an off-leash area for the conduct of their business and no person shall bring more than 2 dogs to the park at one time.
- G. The Animal Control Officer or Town Board, or its designee, may i) temporarily close any off-leash area or ban the sue thereof by dogs for any reasonable purpose or cause, and ii) ban a specific dog from any off-leash area when it has been determined that such dog or person constitutes a nuisance, is unduly disruptive or aggressive, or such act is necessary to maintain peace and order or to protect the health and safety of the public. Notice by certified mail to the owner or owner of record shall be made describing the ban, banned locations, and any conditions or requirements that must be met before the use of off-leash areas are permitted and the ban

lifted. Any person who contests the notice and determination may file a written objection and appeal addressed to the Town Supervisor. Such objection and appeal must be delivered within 10 days of receipt of the notice, or within 15 days of the date of delivery thereof, whichever comes first. The Town Supervisor shall investigate the matter and render a determination within 15 days of such objection and appeal, which determination shall be final for all purposes, including Article 78 of the New York Civil Practice Law and Rules.

#### **SECTION 14. ENFORCEMENT:**

- A. Appearance tickets. Animal Control Officers shall administer and enforce the provisions of this local law and the provisions of the A&M Law, and for such purpose they shall have the authority to issue appearance tickets and accusatory instruments and, when authorized by law, to seize dogs, either on or off the premises of the owner or person harboring such dog, if witnessed to be in violation of this local law or the provisions of the A&M Law. Animal Control Officers are also authorized to investigate, file, and pursue dangerous dog proceedings, fines, findings and rulings, and charging, restitution, and other orders in accordance with the rules of the A&M Law, Article 4 of the Civil Practice Law and Rules, this local law, and other related laws, regulations, and rules of the State of New York.
- B. Complaints. Any person who observes any person or dog in violation of law may file a signed complaint under oath with a Town Justice of the Town of Enfield, or with any Animal Control Officer, specifying the objectionable conduct, the date thereof, the damage caused or the acts constituting a violation of law, the place or places, dates, and times where such alleged illegal conduct occurred, and the name and residence, if known, of the owner or person harboring such dog or so violating law.
- C. Investigations. Upon receipt of such a complaint by an Animal Control Officer, such officer may investigate and, if they reasonably believe a violation of law has occurred, they may file a complaint with the Town Court. Upon receipt of such a complaint by the Town Justice, the court may issue a written summons directing such person(s) as alleged to be in violation of law to appear in person before the court and answer any charges or complaints. If such person does not appear when noticed, the Town Justice may issue a warrant for the arrest of said person in accord with the New York Criminal Procedure Law, Penal Law, Judiciary Law, or the applicable judiciary act or rules of court, including rules for and findings of contempt of court (all hereafter, the "Penal Laws").
- D. Penalties for offenses. A violation of this local law shall constitute an offense classified as a "violation" in the Penal Laws. Any person found guilty of any violation of or offense under this local law shall be subject to the following criminal fines and penalties:
  - 1. For a first offense, a criminal fine of not less than \$50 nor more than \$200, and each week that any noncompliance or violation continues is and may be charged as a separate offense;
  - 2. For a second offense, being any adjudication of a violation or offense committed within two years of any prior offense, not less than \$100 nor more than \$400, and each week that any such noncompliance or violation continues is and may be charged as a separate offense; and

3. For any third or subsequent offense, being any violation committed within two years of any adjudication of a second offense, not less than \$200 nor more than \$800, or imprisonment for a term not to exceed 15 days, or both, and each week that any such noncompliance or violation continues is and may be charged as a separate offense.
  4. Fines and penalties as set forth in this Code of the Town of Enfield are in addition to, and not in lieu of nor in substitution for violations and fines under the A&M Law and its regulations, which remain separately chargeable and enforceable.
  5. The rights and remedies herein stated are not the exclusive rights and remedies of the Town, and each and all remedies and rights stated or arising under this local law shall be cumulative and in addition to, and not in limitation of, any other right or remedy the Town may or does have. The Town's pursuit of any one right or remedy does not effect a waiver of any other rights or an election of remedies, and the Town may thereafter or simultaneously pursue or continue to pursue any other right or remedy it may have, including the civil or criminal enforcement of this local law at law, in equity, or both. The fines and penalties specified above are in addition to any penalties provided by law for violations of the A&M Law, and no recitation of any right or remedy in respect of any violation of or noncompliance with this local law shall preclude any other remedy or penalty available by law or in equity under such A&M Law, or otherwise in accord with law.
- E. Special service dog accommodations. Any person who intentionally refuses, withholds, or denies a person any accommodations, facilities, or privileges because he or she is accompanied by any statutorily listed special service dog shall be further subject to a civil penalty of up to \$200 for the first violation and up to \$400 for each subsequent violation, and the Town may maintain an action in its own name to enforce and collect such penalty, or the same may be imposed by a court with appropriate jurisdiction over the offender.
- F. Falsified documents or information. Any person who, for the purpose of participating in the animal population control program, shall falsify proof of adoption from a pound, shelter, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, or duly incorporated dog or cat protective association, or who shall furnish any licensed veterinarian of this state with inaccurate information concerning his or her residency or the ownership of a dog, or of such person's authority to submit a dog for a spaying or neutering procedure pursuant to the A&M Law, and any veterinarian who shall furnish false information concerning animal sterilization; shall be guilty of a violation, subject to an additional fine of not less than \$250 per offense, separately chargeable as a violation level offense under this local law.

## **SECTION 15. SEIZURE AND IMPOUNDMENT; REDEMPTION:**

A. Seizure. Dogs may be seized as follows:

1. When such dog is at large or it or its owner are otherwise in violation of the provisions of this local law or the A&M Law;
2. When there is reasonable cause to believe that such dog may be a dangerous dog, or otherwise poses an immediate or imminent threat to public safety; or

3. When the owner, or any person owning, harboring, or having custody of, a dangerous dog fails to obey or remain in compliance with a court order or requirement pertaining to said dangerous dog.
- B. Redemption periods. The Town hereby enacts this section pursuant to the provisions of A&M Law § 117, Subdivision 8, and hereby declares that it is expressly superseding the redemption periods otherwise provided for in said § 117, including Subdivisions 4 and 6 therein as follows:
1. For any dog that is not an identified dog, the Town shall require that such dog be held for a period of five days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof of ownership and proof that the dog has been licensed and, upon payment of the impoundment fees set by the Town's fee schedule;
  2. For any identified dog, the Animal Control Officer shall notify the owner of record personally or by certified mail, return receipt requested, of the facts of such seizure, and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after the date of notice, during which period the dog may be redeemed by the owner. If such notification is made by certified mail, such dog shall be held for a period of seven days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees and producing proof that the dog has been licensed.
- C. Initial impoundment fees. Impoundment fees as set forth in this subsection are first set as follows:
1. \$30 for the first impoundment of any dog owned by that person for the first 24 hours, plus an additional \$10 for each additional day or part thereof; and
  2. \$60 for the first day of a second impoundment of said dog within two years of a first impoundment, plus \$10 for each additional 24 hours or part thereof; and
  3. \$120 for the first day of the third and subsequent impoundments, being those occurring within one year of the second impoundment, plus \$10 for each additional 24 hours or part thereof.
- D. Unredeemed dogs. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provision of the A&M Law. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees regardless of whether they retake possession of or redeem the dog, and the seizure of any dog shall not relieve any person from any violation of or offense against this local law or the A&M Law.
- E. Special costs and fees for dangerous dogs. If a dangerous dog is seized or impounded, the above impoundment fees shall be paid for the period of time such dog is held by the impounding agency, whether by court order or otherwise, and the owner shall also be responsible to pay any extra costs or expenses of housing or handling incurred because of such dog's dangerous propensities or actual behavior. Such amount shall be determined by the court upon invoicing and the provision of a suitable explanation as to such costs incurred, subject to the rights of cross-examination and impeachment of such owner, or pursuant to the fee schedule of the Animal

Control Officer when certified to the Town that the costs incurred for a particular exceeded the base fee and that the dog's behavior required the incurring of such extra costs or expenses. However, if the dog is held but adjudicated not to be a "dangerous dog," then no impoundment fees shall be required to be paid by the owner prior to redeeming or claiming such dog unless i) such dog was previously adjudicated as a dangerous dog, or ii) the Animal Control Officer has certified the excess handling expenses as justified based upon the actual behavior of the dog while confined and the court hearing the matter makes an allowance or aware therefor. All court hearing dangerous dog matters shall retain jurisdiction to make these determinations when they arise, even after the final decision of the court, whether appealed or not.

**SECTION 16. LIMITATION UPON TOWN LIABILITY:** No action may be asserted or maintained against the Town or any Animal Control Officer, or against any persons lawfully authorized by the Town when performing duties pursuant to this local law or A&M Law, to recover the possession or value of any dog, or for damages for injury to or compensation for the seizure, adoption, treatment, transfer, euthanasia, or destruction of any dog, unless it is proven that the Town, officer, or person acting for the Town intentionally and improperly or illegally deprived a claimant of its property without just or colorable cause.

**SECTION 17. SEVERANCE, SAVINGS, AND CONSTRUCTION OF TERMS:** If any part or provision of this local law or the application hereof to any person or circumstance be adjudged invalid or unenforceable by any court or tribunal of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. The Town declares that it would have passed this local law or the remainder hereof had such invalid application or invalid provision been apparent or omitted. All nouns and pronouns shall be construed in the singular, plural, masculine, feminine, or neutered context when the provisions hereof so demand or admit. Words shall have their defined meanings and all words shall have standard meanings as applied within the context of the clause in which such terms appear. Subject headings are for convenience and shall not be construed or applied to limit or restrict the subject matter and terms appearing under such subject heading. Whenever any reference is made to any section of law or regulations, such reference shall be interpreted to include such law or regulation as later amended, renumbered, or re-codified. Mere typographical errors in citations or the text of this local law shall not be given effect.