Local Law #1 of 2010

TOWN OF MORRISTOWN

DOG CONTROL LAW

December 14, 2010

Section 1: TITLE

This article shall be known and cited as "Dog Control Law, Town of Morristown, New York".

Section 2: STATUTORY AUTHORITY

Authority: This Local Law is enacted pursuant to the provisions of (*Article 7, Chapter 69)* of the Agriculture and Markets Law and the Municipal Home rule Law of the State of New York.

Section 3: PURPOSE

The Town of Morristown has found that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well-being of persons and property and to preserve the public peace and good order in the Town by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of all residents of the Town.

Section 4: DEFINITIONS

(a)OWNER: Any person, firm, association or corporation who or which at any time owns, has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought, or comes within the Town. 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. In the event that the owner of any dog which is found to be in violation of this Town Law is a minor, the head of the household in which the minor resides shall be responsible for any acts of said dog in violation of this Town Law.

(b) DOG: Includes any dog of either sex and any age, unless otherwise indicated herein.

(c) RUNS AT LARGE: A dog shall be deemed to be "running at large" if it is elsewhere than on the premises of the owner, while not under the control of the owner or his agent and without the knowledge, consent or approval of the owner of such lands.

(d) UNDER CONTROL: A dog shall be deemed to be "under control" when it is under either voice command or a suitable restraining device designed for that purpose.

(e) DOG CONTROL OFFICER: The person appointed by the Town Board of the Town of Morristown to assist in the enforcement of this Local Law. The Dog Control Officer shall provide service at the pleasure of the Town Board. The Dog Control Officer in addition to all other powers and duties prescribed by law shall have the authority to issue Appearance Tickets in accordance with Article 150 of the Criminal Procedure Law. Every dog seized by the Dog Warden shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Markets Law of the State of New York.

(f) HOUSEHOLD PETS: Shall mean dogs and/or cats.

(g) DOMESTIC ANIMALS: Shall mean cows, pigs, rabbits, horses, chickens.

Section 5: CARE OF DOGS

It shall be unlawful for any owner of a dog or dogs to fail to provide such dog(s) with adequate food, water and shelter at all times.

Section 6: EXEMPTIONS TO LAW

(a)Nonresidents, exhibitors and service dogs:
This Local Law shall not apply to a dog owned by a nonresident, while passing through the Town of Morristown. nor to dogs brought into the Town for a period not exceeding 15 days, if entered in any exhibition at any dog show therein, and confined and in immediate charge of the exhibitor. Any dog harbored within the Town of Morristown which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside of the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law. Dogs commonly known as a guide dog, service dog, hearing dog, or detection dog are exempt from the licensing provisions of this local law.

(b)Societies and Hospitals:
This Local Law shall not apply to dogs actually confined to the premises of incorporated societies devoted to the care or hospital treatment of lost, strayed or homeless animals, or confined to the premises of public or private hospitals devoted to the treatment of sick animals.

Section 7: RESTRICTIONS

No person, being the owner or agent of the owner of any dog, shall knowingly allow such dog to commit any nuisance within the Town of Morristown or cause damage to the person or property of others. The following are declared to be public nuisances and are set forth herein for explanatory purposes only and are not to be considered as excluding other types of nuisances, and the establishment of the fact that the owner of a dog

has allowed or permitted such dog to commit any of the acts hereinafter prohibited, and shall be presumptive evidence against the owner or person harboring such dog that he has failed to properly confine or control said dog:

(a) Engaging in loud or habitual barking, howling, crying or whining or so conducting itself in such a manner as to unreasonably and persistently disturb the comfort or repose of any person other than the owner of such dog.

(b) Chasing and/or barking at motor vehicles, motorcycles, bicycles, pedestrians while on a public street, highway, upon public or private property other than property of the owner or person harboring said dog.

(c) Jumping upon, chasing or otherwise harassing any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

(d) Running together in a pack or in any way forming a pack of dogs. For the purpose of this Local Law, the word "pack" is hereby defined to mean three or more dogs. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters and under their control shall be considered as accompanied by its owner.

(e) Defecating, urinating, digging on or otherwise damaging public property or on private property without the consent or approval of the owner of such property, other than the property of said owner.

(f) Injures or maims another animal.

(g) Transports trash or damages lawns, hedges, flower beds and gardens on property other than that of the owner.

(h) Persistently barks at, and/or chases pedestrians who are using the sidewalks or roads while the dog is on the property of the owner or harborer.

(i) Any person owning or harboring a dog shall not suffer or allow it to run at large in any of the streets, or public places of the Town or upon premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permissions; and no dog shall be permitted in any public place or street within the Town of Morristown, unless it effectively restrained by a chain or leash not exceeding six (6)

feet in length or unless it be attended by a person of adequate age and discretion able to properly control its actions.

(j) Dogs are prohibited in any grocery store or restaurant where food or other perishable goods are sold except as a service dog when serving as such.

(k) Every person, who owns or harbors a dog or dogs, shall, at all times, keep the area wherein the dog or dogs are kept, possessed or harbored, in a neat, clean and sanitary condition and in accordance with the regulations of the Board of Health and Public Health Laws of the State of New York and as such shall be open to inspection by the proper health officials and Dog Control Officer at all reasonable times.

Section 8: DANGEROUS DOGS

Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of said Agriculture and Markets Law.

"DANGEROUS DOGS" shall mean:

(a) Any dog that, when unprovoked, approaches, does any menacing act or aggressive action directed towards any person or in an apparent attitude of attack, upon the street, sidewalks, highways or any public grounds or places.

(b) Any dog with a known propensity, tendency or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of a human being or domestic animals as well as household pets.

(c) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal, including household pets without provocation on public or private property.

(d) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Section 9: COMPLAINT OF VIOLATION; APPEARANCE TICKET; SEIZURE; FEES

Any person who observes or has knowledge of a dog violating any provision of this Town Law may file or register a written complaint to the Dog Control Officer, under oath with the Town of Morristown Justice specifying the objectionable conduct of the dog, the date thereto, the description of the dog and the name and address, if known, of the owner or other persons harboring said dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

Upon receipt by the Dog Control Officer of any such complaint, or in the event that any dog is found by the Dog Control Officer to be in violation of any provision of this Town Law, the Dog Control Officer shall, issue a citation or ticket to the owner if he or she can ascertained. If warranted and the owner cannot be located after reasonable attempts, then the dog shall be seized and disposed of in accordance with Article 7 of Agriculture and Markets Law of the State of New York. If a ticket or citation is issued it shall detail the violations and instruct the owner to appear before the Justice Court for the Town of Morristown.

If satisfied that the dog is a dangerous dog, the justice shall then order the owner or Dog Control Officer or peace officer to destroy the dog(s) immediately, or shall order the owner to confine, securely such dog permanently or at such time as otherwise specified in the order. If the owner fails to destroy or confine the dog as required by such order, then the Dog Control Officer or peace office shall destroy such dog on or off the premises of owner. The Dog Control Officer may apply to the Justice Court for a warrant of arrest for any violation of this law.

In the event that any dog has been seized or taken into custody by the Dog Control Officer, its owner shall be required to pay the Town Clerk the contractually established costs incurred per dog, per day, for each day during

which said dog(s) shall be boarded by the boarding facility so designated by the Town of Morristown.

Section 10: LICENSE FEES

THE FOLLOWING LICENSE FEES SHALL BE CHARGED

(a) All dogs in the Town of Morristown must be licensed with the Town Clerk by the age of 4 months and the owner is 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.

(b) 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 un-spayed or unneutered dog will be $13.00, (which included the assessment of a $3.00 surcharge for the purpose of carrying out animal population control) with such fees being the responsibility of the owner or harborer of the dog. Such licensing fees shall be reviewed by the Town Board periodically, and may be changed by a resolution of the Town Board, if deemed necessary.

(c) 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.

(d) Purebred License: The Town of Morristown will **not** be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

(e) Service Dogs: The Town of Morristown will not require a license for any guide dog, service dog, hearing dog or detection dog.

(f) The Town of Morristown 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 of Morristown for licensing if the dog will be harbored within the town.

(g) 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.

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

(i) 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 impoundment and euthanasia fees per animal.

Section 11: PENALTIES FOR OFFENSE

Any person who shall violate any provision of this chapter shall be guilty of a violation and shall upon conviction thereof, be subject to a fine of not less than Fifty Dollars ($50.00) and no more than Two Hundred Fifty Dollars ($250.00) and/or imprisonment for a period not to exceed fourteen (14) days.

Section 12: SEVERABILITY

Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Town Law as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 13: REPEALER

This Town Law shall supersede all prior local laws, ordinances, rules and regulations relating to the confinement and control of dogs within the Town of Morristown, and any such prior ordinances, rules and regulations are hereby repealed.

Section 14: WHEN EFFECTIVE

This Town Law shall take effect upon the filing thereof with the Secretary of State.