

# **Town of Hamden**

## **Local Law No. 1 of 2014**

A local Law entitled "Dog Control Law for the Town of Hamden"

Be it enacted by the Town Board of the Town of Hamden as follows:

### **Section 1:**

**Purpose:** The Town Board of the Town of Hamden finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs could cause physical harm to persons, damage to property and have 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, and to provide for the licensing and identification of dogs and the protection of the dog population.

### **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 Hamden.

### **Section 4:**

**Definition of Terms:** As used in this Local Law the following words shall have the following respective meanings:

- (a) "Dog" means male or female, licensed or 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 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 Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter. If any such person 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 said dog in violation of this Local Law.

- (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 Hamden.
- (e) "Person" means any individual corporation, partnership, association or other organized group of persons or other legal entities.
- (f) "Harbor" means to provide maintenance, food or shelter to any dog.

#### **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/their owner and any service dog(s) and other dog(s) in training accompanied by handlers shall be considered accompanied by its/their 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) Chase, jump upon 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 while off of owner's premises.
- (d) 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 said property.
- (e) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

#### **Section 6:**

##### **Procedure for Seizure of Dogs:**

- (a) The Dog Control Officer of the Town of Hamden may seize:
  - 1. Any dog which is not identified and which is not on the owners premises, and
  - 2. Any dog which is not licensed whether on or off the owners premises, and



3. Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous, and
  4. Any dog which poses an immediate threat to the public safety, and
  5. Any dog found in violation of paragraphs (a) through (e) of Section 5 of this Law.
- (b) Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law and the Dog Control Officer of the Town of Hamden shall execute and carry out any order of the Town Justice of the Town of Hamden in any action or proceeding commenced to enforce this Local Law.
- (c) The Dog Control Officer of the Town of Hamden observing a violation of this Local Law in his or her presence may issue and serve an appearance ticket for such violation. Said appearance ticket shall charge a violation and no violation of the statute shall be construed as a misdemeanor.
- (d) No action shall be maintained against the Town of Hamden or any duly designated Dog Control Officer of the Town of Hamden or any other agent or officer of the Town with respect to failure to implement this Law and/or to recover the value of any dog or for damages or injuries to the dog or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law.
- (e) Prior to seizure of a dog and/or the issuance and service of an appearance ticket for any violation, other than that of a dangerous dog (See Section 6(a)(4)), which poses an immediate threat to the public safety, the Dog Control Officer shall issue a written warning citing the violation to the Owner with a reasonable opportunity to cure the violation. If the Owner fails to cure the violation within the time period provided by the Dog Control Officer, the Dog Control Officer may seize said dog.

#### **Section 7:**

**Penalties:** Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Fifty Dollars (\$50.00) for the first violation; of Seventy Five Dollars (\$75.00) for a second violation and for One Hundred Dollars (\$100.00) for each subsequent violation. Pursuant to New York State Agriculture and Markets Law, all money and penalties collected by the Town for violation of this Law remain the property of the Town. The money can be used for Dog Control purposes, funding low-cost spay-neuter programs and subsidizing humane education programs.

#### **Section 8:**

**Amendment:** The amount of fees and penalties set forth in this Local Law may be amended from time to time by a majority vote of the Town Board.

**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.

**Co-Existence:** This Local Law shall supercede all prior Local Laws and shall exist with Local Law #1 of 2010, entitled Dog Licensing, along with other Ordinances, Rules and Regulations relative to the control of dogs within the Town of Hamden.

**Effective Date:** This Local Law shall be effective July 2, 2014  
after filing with the Secretary of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law 1 of 2014 of the Town of Hamden was duly passed by the Town Board on July 2, 2014 in accordance with the applicable provisions of the law.

Linda Shepard  
Linda Shepard, Town Clerk

Date: July 2, 2014

State of New York )  
 ) ss.:  
County of Delaware )

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

Kevin M. Young  
Kevin Young, Town of Hamden Attorney

Date: 7-2-2014, 2014