

## SARDINIA CODE – CHAPTER 54

### ARTICLE I

#### Dog Licensing

##### **54-1.1 Title & Purpose and Authority:**

This Article I of Chapter 54 shall be known as the "Town of Sardinia Dog Licensing Law." The purpose of this Article is to protect the health, safety and well-being of persons and property by maintaining a licensing program to ensure identification of ownership and responsibility with respect to dogs within the Town. This Chapter is enacted pursuant to the provisions of Section 124 [to be renumbered Section 122 effective January 1, 2011] of the Agriculture and Markets Law of the State of New York.

##### **54-1.2 Licensing of Dogs:**

A. All dogs in the Town of Sardinia 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 for unspayed or unneutered dogs will be paid for a period of one-year and will expire at the end of the month one year from the date of issue. Dog licenses are not transferrable.

C. Fees for Licensing of Dogs:

The fee for a spayed or neutered dog for a one-year period will be \$5.00 (which fee includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control).

The fee for an unspayed 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).

The fees established by this provision are subject to review by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

D. Enumeration fee:

The Town Board has determined that there is a continual need for dog enumeration and a fee of \$10.00 will be assessed to all dogs found unlicensed within the Town of Sardinia. If the same or any other dog owned by the same owner is found to be unlicensed for a second time within a five year period a \$20.00 fee will be assessed and if the same or any other dog owned by the same owner is found to be unlicensed for a third time within such five year period a \$40.00 fee will be assessed. If the same or any other dog owned by the same owner is found to be unlicensed more than three times within a five-year period, each time the enumeration fee shall double the last fee assessed but shall not exceed \$250.00.

E. Service Dogs:

The Town of Sardinia will require a license for every guide dog, service dog, hearing dog, therapy dog, and detection dog; however the fee for this license shall be waived. A current Certificate of Rabies shall be required at the time of licensing or the renewal of an existing license.

F. The Town of Sardinia 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 Sardinia, where the Shelter is located for the purchase of the license for adoption purposes.

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 for a one-year license.

H. All fees will be used in funding the administration of the Dogs Law of the Town of Sardinia.

I. This annual dog license fee shall be charged for all licenses becoming effective on or after the effective date of this local law.

## ARTICLE II

### Control

#### **54-2.1 Title, Purpose and Authority:**

This Article II of Chapter 54 shall be known as the "Town of Sardinia Dog Control Law." The purpose of this Article 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. This Chapter is enacted pursuant to the provisions of Section 124 [to be renumbered Section 122 effective January 1, 2011] of the Agriculture and Markets Law of the State of New York.

#### **54-2.2 Definitions:**

As used in this Article, the following terms shall have the meanings indicted:

AT LARGE - Any dog that is on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be "at large" if it is a guide dog actually leading a blind person, a police work dog in use for police work, or a dog accompanied by its owner or other responsible person and is leashed or actively engaged in hunting or training for hunting on unposted land or posted land with the permission of the owner of the land.

**HARBORER** - the person who provides sustenance and shelter for any dog whether or not such person shall be the owner.

**OWNER** - the person who is recorded in the Town Clerk's office as the applicant for the license for a dog, if such animal shall be licensed, or the person who provides sustenance and shelter for such animal.

### **54-2.3 Restrictions:**

A. No owner or harborer owning, keeping, harboring or having the care, custody or control of any dog or dogs shall allow or permit any such dog or dogs to be off the premises of such person, firm or corporation (at large) and in the Town of Sardinia unless restrained by a chain or leash not exceeding six (6) feet in length. Whenever any dog is found off the premises of the person, firm or corporation owning, keeping, harboring or having the care, custody or control of such dog not controlled or restrained as above provided, it shall be presumed that such person, firm or corporation permitted or allowed such dog or dogs to be off the premises in violation of this section.

B. No owner or harborer shall keep or allow to be kept on premises owned or controlled by him or it any dog which, by its incessant barking, howling, whining, or other noise, shall unreasonably disturb the peace and quiet of any person.

C. No person shall deliberately, carelessly or negligently provoke a dog into barking, thereby disturbing the peace and quiet of a neighborhood by annoying the residents thereof.

D. No owner or harborer shall own, keep, harbor or have the care, custody or control of any dog not licensed as required by this Chapter 54.

E. No owner or harborer of a dog shall permit or allow such dog to cause damage or destruction to property or to urinate or defecate or to commit any other nuisance upon the premises of a person other than his own.

F. No owner or harborer of a dog shall allow such dog to habitually chase motor vehicles or bicycles or other conveyance including pedestrians and joggers.

G. No owner or harborer of a dog shall permit such dog to chase, jump upon or at or other wise harass or harm any person in such manner as to actually harm or put such person in reasonable apprehension of bodily harm or injury.

### **54-2.4 Interference with enforcement officials:**

No person shall hinder, resist, or oppose any properly designated official or representative of the town in the performance of his duties under this Article.

#### **54-2.5 Duties of Dog Control Officer; impoundment:**

A. It shall be the duty of the Dog Control Officer or any other town agent or employee designated by the Town Board hereafter to seize or take control of and to impound the following categories of dog in a suitable place: (1) any dog found running at large or unrestrained or otherwise in violation of the provisions of Section 54-2.3; (2) any dog found to be unlicensed; (3) any dog which is not in the control of the dog's owner or harborer, or not on the property of the dog's owner or harborer; or (4) any dog where there is probable cause to believe that the dog is dangerous and/or in the opinion of the Dog Control Officer, police officer or peace officer poses an immediate threat to the public safety.

B. In the use of any weapon or device for dog control, including but not limited to, netting, trapping, snaring, tranquilization or firearm use (by a licensed official), the Dog Control Officer shall employ the most humane method possible under the circumstances, taking into account the public safety. If the safety of a member of the public or the Dog Control Officer, police officer or peace officer is threatened, all reasonable measures should be taken as necessary to ensure such safety.

C. The Dog Control Officer, seizing and impounding any dog, shall make a complete registry, entering therein the breed, color, sex and any distinguishing marks of such dog and whether licensed. If licensed, he shall enter the license number and the name and address of the owner. If the identity of the owner or harborer of the dog is known to the Dog Control Officer, police officer or peace officer, he or she shall make reasonable efforts to contact the owner or harborer and inform him or her of the impoundment or other condition of the dog and may make arrangements for release of the dog upon agreement and arrangements for compliance with this Article 54. Nothing in this subsection modifies the authority or powers of the Dog Control Officer under Section 54-2.8 (E).

D. In the case of an impounded dog which the Dog Control Officer, police officer or peace officer believes poses an immediate threat to the public safety so as to necessitate that it be euthanized or with respect to which the owner or harborer has not come to agreement with the Dog Control Officer as to proposed arrangements for compliance with this Article 54 and/or other disposition of the dog or with respect to which the Dog Control Officer in his discretion determined not to exercise his authority or powers under Section 56-2.8 (E), the owner or harborer of the dog may seek a determination hearing before the Town Court within no more than five (5) days of the service of notice upon the owner or harborer of the Dog Control Officer's intended disposition of the dog and the right to seek a determination hearing. At such determination hearing, the Town Court may make such ruling as it deems proper and just under the circumstances. Pending the outcome of such hearing, the dog must be securely confined in a humane manner either as determined by the Dog Control Officer or as determined by agreement between the Dog Control Officer and the owner or harborer, including without limitation appropriate arrangements for the dog to be appropriately confined at the home or residence of the owner or harborer of the dog. If there is no determination hearing sought by the owner or harborer within five (5) days of the service of aforementioned notice upon the owner or

harborer, then the Dog Control Officer may take whatever measures he or she deems appropriate and humane with respect to the dog.

**54-2.6 Effect of ownership by minor:**

In the event that the owner shall be a minor under the age of sixteen (16) years, then the head of the household in which such minor resided shall be deemed to have the care, custody and control of said dog and shall be responsible for any acts in violation of this Article and such head of household shall be deemed the “owner” or “harborer” of the dog for all purposes under this Article, including without limitation the provisions with respect to determination hearings set forth in Section 54-2.6 (D).

**54-2.7 Enforcement; Right of Entry:**

A. This Article shall be enforced by the Dog Control Officer and any other town agent or employee designated by the Town Board hereafter. The Dog Control Officer shall have all the powers of a peace officer in enforcing the provisions of this Article and the provisions of Agriculture and Market Law.

B. The Dog Control Officer and any other town agent or employee designated by the Town Board hereafter are authorized to sign and issue any complaint, information, affidavit or notice in connection with the prosecution of any violation of this Article.

C. The Dog Control Officer and any other town agent or employee designated by the Town Board hereafter are authorized to enter upon any lands upon which a dog is kept or harbored and to require the display by the person owning or having charge or control of such dog of the license tag for such dog. If a license tag for such dog is not displayed to the Dog Control Officer, the Dog Control Officer shall have the right to seize such dog and impound such dog at a suitable place.

D. If an issued summons is disregarded by the person receiving it, the Town Justice may permit the filing of an information and issue a warrant for the arrest of such person.

**54-2.8 Penalty for Offenses: \***

A. Any person, firm or corporation violating any provision of Section 54-2.4 of this Chapter shall be guilty of a violation and shall be subject to penalties as set forth hereafter.

B. Any person, firm or corporation taking part in or assisting in any violation of Section 54-2.4 of this Chapter shall be also be subject to the penalties herein.

C. Each day that a violation of this Article is committed or is permitted to exist shall constitute a separate offense.

D. Penalties shall be as follows:

1. For the first violation by any person, owner or harbinger within a three-year period, such person, owner, or harbinger shall be subject to a fine of not less than \$35.00 and not more than \$100.00.

2. For a second violation by any person, owner or harbinger within a three-year period, such owner or harbinger shall be subject to a fine of not less than \$60.00 and not more than \$150.00.

3. For a third violation by any person, owner or harbinger within a three year period, such person, owner or harbinger shall be subject to a fine of not less than \$100.00 and not more than \$200.00 and/or imprisonment for a period not exceeding fifteen (15) days.

Any person taking part or assisting in any violation of this article shall also be subject to the penalties herein.

E. If a dog seized under the provisions of Chapter 54 is not redeemed within the redemption time periods provided by the New York State Agriculture and Markets Law, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA, given for adoption, or destroyed by the peace officer or representative of the Commissioner of Agriculture and Markets; and pay any established fines. Anyone that picks up an at-large dog in the Town of Sardinia must notify the Dog Control Officer of Sardinia (or his Assistant) and surrender the dog upon request, before removing the dog from the town, subject to fine. Adoption Fees, which are set in the Fee Schedule of the Town of Sardinia, include veterinarian bill, license fees, and maintenance fees of the dog. There shall be a fee for the euthanasia and disposal of a dog, which shall be in an amount equal to the cost incurred by the Dog Control Officer in providing this service.

#### **54-2.9 Liability of Town Officials.**

No officer, agent, or employee of the Town of Sardinia shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Article. Any suit brought against any officer, agent or employee of the Town of Sardinia as the result of any act required or permitted in the discharge of his duties under this Article shall be defended by the Town Attorney until the final determination of the proceedings thereon.

#### **54-2.10 Complaints:**

A. Any person who observes a dog in violation of the Article may file a complaint under oath with a Town Justice specifying the nature of the violation, the date thereof, a description of the dog and the name and address, if known, of the owner or harbinger of the dog.

B. Upon the receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant and the owner or harbinger of the dog shall have an opportunity to present evidence. After such hearing, the Town Justice may issue such order as he deems proper and just.

C. A violation of any order issued by a Town Justice under the provisions of this Section shall be an offense punishable, upon conviction thereof, with the following penalties:

1. For the first violation by any person, owner or harborer within a three-year period, such person, owner, or harborer shall be subject to a fine of not less than \$35.00 and not more than \$100.00.

2. For a second violation by any person, owner or harborer within a three-year period, such owner or harborer shall be subject to a fine of not less than \$60.00 and not more than \$150.00.

3. For a third violation by any person, owner or harborer within a three year period, such person, owner or harborer shall be subject to a fine of not less than \$100.00 and not more than \$200.00 and/or imprisonment for a period not exceeding fifteen (15) days.