

The Town of Halfmoon, New York, finds 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 article is to protect the health, safety and well-being of persons and property by imposing restriction and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

§ 56-2 Authority.

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law.

§ 56-3 Title.

The title of this article shall be "Dog Control Ordinance of the Town of Halfmoon."

§ 56-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGGRESSIVE DOG

A canine or canine crossbreed which has bitten, attacked or inflicted injury on a person, "companion animal" as defined in subdivision 5 of § 350 of the Agriculture and Markets Law, "farm animal" as defined in subdivision 4 of § 350 of the Agriculture and Markets Law, or "domestic animal" as defined in subdivision 7 of § 108 of the Agriculture and Markets Law, or without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death.

[Amended 6-17-2008 by L.L. No. 2-2008]

AT LARGE

Any dog that is unleashed and 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: leashed and under the supervision and control of the owner or other responsible person; a police work dog in use for police work; working detection dog; working therapy dog; working search dog; or accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

OWN

Maintain and keep, including the providing of food or shelter to, any dog.

OWNER

Any person who owns, harbors, maintains or keeps any dog. In the event any dog found in violation of this article shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

POLICE WORK DOG

"Aggressive dog" and "vicious dog" do not include a police work dog as defined in subdivision 18 of § 108 of Article 7 of the New York State Agriculture and Markets Law.

[Amended 6-17-2008 by L.L. No. 2-2008]

VICIOUS DOG

A canine or canine crossbreed which has killed a person or inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health or serious impairment of a bodily function; or which continues to exhibit the behavior which resulted in a previous finding by a court that it is an aggressive dog, provided that its owner has been given notice of that finding.

§ 56-5 Dog license fees.

A. All dogs within the Town of Halfmoon four months of age or older, unless otherwise exempted, shall be licensed. The owner of a dog shall obtain a dog license and be responsible for the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Halfmoon via resolution. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life. If said proof is provided, the rabies vaccination will not be required as a condition precedent to obtaining a license. Each license issued will be valid for a period of one year and shall not be transferrable.

[Amended 12-15-2010 by L.L. No. 2-2010^[1]]

[1] Editor's Note: This local law was adopted as L.L. No. 4-2010 but was renumbered upon filing with the State of New York.

B. The license fee enacted herein shall not apply to any guide dog, hearing dog, service dog, war dogs, working search dogs, detection dogs, police work dogs and therapy dogs.

[Amended 6-17-2008 by L.L. No. 2-2008]

C. An additional surcharge shall be assessed on all dogs that are identified for licensing during the enumeration process. This fee shall be set by resolution of the Town Board. This fee shall be collected at the time of licensing and is in addition to the fees detailed herein. This additional fee may be waived by the Town Clerk or his/her designee if the owner of the dog provides a valid license from a different community and the dog moved into the Town of Halfmoon within the previous six months. The Town Clerk or his/her designee shall maintain copies of the previous license and proof of relocation whenever the fee is waived in accordance with this provision. These records shall be maintained for a period of five years from the date of the issuance of the new license.

[Amended 12-16-2008 by L.L. No. 9-2008; 12-15-2010 by L.L. No. 2-2010^[2]]

[2] Editor's Note: This local law was adopted as L.L. No. 4-2010 but was renumbered upon filing with the State of New York.

D. The Town of Halfmoon hereby authorizes the Saratoga County Animal Shelter to provide, accept and grant an application for a dog license made by a resident of the Town

of Halfmoon at the time of the adoption of a dog from the Saratoga County Animal Shelter, provided that such application is made in accordance with § 56-5A of this article, and the license fee, any additional fee and surcharge shall be remitted to the Town Clerk of the Town of Halfmoon on or before the third day of the month following the month in which the licensing fee and additional fee and surcharge were received.

[Added 12-15-2010 by L.L. No. 2-2010]

E. The base fee for obtaining a dog license in the Town of Halfmoon shall be established by Town Board resolution. In addition to the base fee, each applicant for a dog license shall pay a surcharge that shall be established by Town Board resolution, with a greater surcharge being paid for dogs which are unaltered. In addition, each applicant for a dog license shall pay a surcharge established by the Town Board which shall be retained by the Town of Halfmoon and used to defray the cost of an enumeration of dogs living in the Town of Halfmoon and the cost of providing replacement identification tags.

[Added 12-15-2010 by L.L. No. 2-2010]

(1) The license fee enacted herein shall not apply to any guide dog, hearing dog, service dog or police work dog.

(2) The Town of Halfmoon will not be issuing purebred or kennel licenses; all dogs will be licensed individually as per the fee system stated above.

F. The owner of any dog impounded by the Town of Halfmoon shall be entitled to redeem that dog within five business days from the day the dog was impounded, excluding the day the dog was impounded, provided that the owner produces proof that the dog was licensed and identified. The fee schedule for the release of the dog after impoundment shall be set by Town Board resolution.

[Added 12-15-2010 by L.L. No. 2-2010]

§ 56-6 Restrictions.

The owner of the dog shall be responsible when a dog violates any restrictions contained herein. It shall be unlawful for any dog in the Town of Halfmoon to:

A. Be at large.

B. Engage in loud howling or barking so as to habitually or regularly annoy, alarm or bother any person; barking at an intrusion or a disturbance shall not constitute a violation of this article. It shall be a violation of this section for a dog to continuously bark for more than fifteen (15) minutes.

C. Cause damage or destruction to property or commit a nuisance by habitually defecating or urinating on public property or on premises of a person other than the owner of such dog unless the owner of said premises has given permission, or scavenging through refuse upon the premises of a person other than the owner of such dog, unless the owner of said premises has given permission therefore. Any waste left by a dog shall be collected and properly disposed of when the waste is left on property not owned by the

owner of the dog. Any failure to collect and properly dispose of the waste shall constitute a violation of this section.

D. Commit an overt act which causes a person who is peaceably conducting himself in any place where he may lawfully be to be placed in reasonable apprehension of bodily harm, when the dog has the apparent ability to inflict such harm.

E. Habitually chase or run alongside of motor vehicles or bicycles.^[1]

[1]Editor's Note: Original Section 7, Dangerous or vicious dogs, which immediately followed, was repealed 6-17-2008 by L.L. No. 2-2008. For regulations regarding dangerous dogs, see Agriculture and Markets Law § 123.

§ 56-7 Disposal of dead animals.

It shall be the responsibility of the owner to remove and properly dispose of a deceased animal within 24 hours of the animal's death.

§ 56-8 General animal care.

A. An owner or person having charge or custody of an animal shall provide their animal with adequate wholesome food and water, proper shelter and protection from inclement weather, and veterinary care when needed to prevent suffering.

B. An owner or person having charge or custody of an animal shall not endanger the health of the animal by placing or confining the animal in a manner that would expose the animal to excessive heat, lack of food or water, or any other circumstances as may cause injury or death to the animal.

§ 56-9 Confinement of animals in motor vehicles prohibited.

A. Any person who confines an animal in an unattended, enclosed vehicle where the outside temperature is 70° or greater, and the interior of the vehicle is not provided with conditioned air to maintain an internal temperature of 80° F. or less, shall be guilty of a violation punishable pursuant to § **56-14** of this article.

B. Any person who confines an animal in an unattended, enclosed vehicle so as to cause the animal to suffer from heat stress, shall be guilty of a violation punishable pursuant to § **56-14** of this article. The Animal Control Officer or other officer shall have the authority to remove any animal found in an enclosed vehicle that appears to be suffering from heat stress. The animal shall be provided immediate veterinary care. The animal owner or custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.

§ 56-10 Enforcement.

This article shall be enforced by any animal control officer, dog control officer, peace officer, Deputy Sheriff, or New York State trooper when acting pursuant to his special duties, or police officer or other authorized Town employee acting in the employ of or under contract to the Town of Halfmoon.

§ 56-11 Seizure, impoundment, redemption and adoption.

[Amended 12-15-2010 by L.L. No. 2-2010^[1]]

- A. A dog may be seized, pursuant to the provisions in § 117 of the Agricultural and Markets Law, for violation of this article.
- B. Every dog seized shall be properly cared for, sheltered, fed and watered, pursuant to § 117 of the Agricultural and Markets Law, for a redemption period of not less than five days.
- C. Seized dogs may be redeemed by producing proof of licensing and identification, pursuant to the provisions of Article 7 of the Agriculture and Markets Law, and by paying the impoundment fees set forth in § 117 of said article.
- D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subsection F of this section, whether or not such owner chooses to redeem his or her dog.
- E. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of § 117 of the Agriculture and Markets Law.

[1]Editor's Note: This local law was adopted as L.L. No. 4-2010 but was renumbered upon filing with the State of New York.

§ 56-12 Complaint.

- A. Any person who observes a dog in violation of this article may file a complaint under oath or an affirmation with a Justice of the Town of Halfmoon or with the Animal Control Officer, dog control officer, Deputy Sheriff or the New York State trooper, specifying the nature of the violation, the date and time thereof, a complete description of the dog, including, for example, the breed, the approximate size, color, markings and distinguishing characteristics, and the name and residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this article, except that two complaints, each originating from separate households, shall be required as the basis for enforcing the provisions of § **56-6B** hereof.
- B. Upon receipt of the signed complaint by the Town Justice, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him or her. If the summons is disregarded, the Justice may permit the filing of information and issue a warrant for the arrest of such person.

§ 56-13 Appearance ticket.

Any animal control officer, dog control officer, peace officer, Deputy Sheriff, or New York State trooper when acting pursuant to his special duties, or police officer or other authorized Town employee acting in the employ of or under contract to the Town of Halfmoon, observing a violation of this article in his presence or receiving a complaint pursuant to § 56-7 of this article shall issue and serve an appearance ticket for such violation.

§ 56-14 Penalties for offenses.

Any person convicted of a violation of this article shall be deemed to have committed a violation and shall be subject to the fine schedule as set forth established by resolution of the Town Board.

In the event of four or more violations within a one-year period, the court shall be empowered to order the dog seized by the Animal Control Officer pursuant to the provisions of the Agricultural and Markets Act and to either have the dog made available for adoption or be euthanized if not adoptable.

§ 56-15 Vaccinations

All dogs shall be vaccinated pursuant to the requirements set forth in the New York State Agricultural and Markets Law Article 7.