

CHAPTER 163

DOG CONTROL LAW

LOCAL LAW NO. 6 - 1982

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A local law establishing restrictions upon the ownership of dogs within the Town of Ramapo.

BE IT ENACTED by the Town Board of the Town of Ramapo as follows:

§163-1. Title. This local law shall be cited and may be referred to hereinafter as the "Dog Control Law of the Town of Ramapo."

§163-2. Legislative Intent. It is the intention of the Town Board of the Town of Ramapo by the adoption of this local law to preserve public peace and good order in the unincorporated areas of the Town of Ramapo and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs which are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Ramapo.

§163-3. Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

A. "At Large" shall mean 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: (1) a guide dog actually leading a blind person; (2) a police work dog in use for police work; or (3) 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.

B. "Dog" shall mean any member of the species canis familiaris.

C. "Dog Control Officer" shall mean any individual appointed by the Town of Ramapo to assist in the enforcement of this law.

D. "Harbor" shall mean to provide food or shelter to any dog.

E. "Owner" shall mean any person who keeps, harbors, or has custody, care or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of parents or other head of household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this local law.

F. "Person" shall mean any individual, corporation, partnership, association or other organized group of persons, municipality or other legal entity.

§163-4. Licensing Requirement. Each owner of a dog more than six months of age shall immediately make application for a dog license in accordance with and pursuant to the provisions of Article 7, §§109-111, of the Agriculture and Markets Law of the State of New York.

§163-5. Prohibitions. It shall be unlawful for any owner of a dog in the unincorporated areas of the Town of Ramapo to permit or allow such dog to engage in the following enumerated acts:

- A. Running at Large. It shall be unlawful for any owner of a dog within the limits of the Town of Ramapo to permit such dog, whether licensed or not, to be at large elsewhere than on the premises of the owner, or on the premises of another person without the knowledge and consent of such other person, unless such dog be on a leash, or under the full and immediate control of a person in charge of said dog.
- B. Nuisance. It shall be unlawful for any owner of a dog in the Town of Ramapo to permit or allow such dog to engage in habitual loud howling, barking or whining so as to create a public nuisance or create unreasonable noise disturbance across real property boundaries.
- C. Dangerous Dogs. It shall be unlawful for any dog owner who knows, or has reason to know, of any dangerous and vicious propensities of said dog, to permit the dog to run at large in the Town of Ramapo.

1. If any dog shall attack any person who is peaceably conducting himself in any place where he may lawfully be, such person or any other person witnessing the attack may destroy such dog while so attacking or while being pursued thereafter, and no liability in damages or otherwise shall be incurred on account of such destruction.

2. If any dog shall attack, chase or worry any domestic animal, as defined in §108 of Article 7 of the Agriculture and Markets Law of New York State, while such animal is in any place where it may lawfully be, the owner or caretaker of such domestic animal, or any other person witnessing such attack may, for the purpose of preventing the killing or injury of such domestic animal, destroy such dog while so attacking, chasing, worrying or while being pursued thereafter, and no liability in damages or otherwise shall be incurred on account of such destruction.

3. Any person may make a complaint of an attack upon a person or of an attack, chasing or worrying of a domestic animal to a dog control officer of the Town of Ramapo. Such officer shall immediately inform the complainant of his right to commence a proceeding as provided in subdivision four of this section and, if there is reason to believe the dog is a dangerous dog, the officer shall forthwith commence such proceeding himself.

4. Any person may, and any dog control officer as provided in subdivision three hereof shall, make a complaint under oath or affirmation to any municipal judge or justice of such attack, chasing or worrying. Thereupon the judge or justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to any dog co

officer or peace officer, directing such officer to immediately seize such dog and hold the same pending judicial determination as herein provided. Whether or not the judge or justice finds there is probable cause for such seizure, he shall, within five days and upon written notice of not less than two days to the owner of the dog, hold a hearing on the complaint. If satisfied that the dog is a dangerous dog, the judge or justice shall then order the owner or any dog control officer or peace officer to destroy the dog 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, any dog control officer or peace officer shall destroy such dog on or off the premises of the owner.

5. Nothing contained herein shall restrict the rights and powers derived from the provisions of title four of article twenty-one of the Public Health Law relating to rabies and any rule and regulation adopted pursuant thereto.

D. Additional Prohibitions.

1. Interference with enforcement officer. It shall be unlawful for any person or persons to hinder, molest or interfere with any officer or agent of the Township in the performance of any of the provisions of this local law.

2. Violation of local law. It shall be unlawful for any person to violate any provision of this local law whether or not he has any knowledge of or intends any violation of said law.

§163-6. Impoundment.

A. The duly appointed dog control officer or any peace officer shall seize and impound any dog found at large in violation of this local law. The dog control officer or peace officer shall deliver such dog to a pound or shelter or to the S.P.C.A. and notify the Ramapo Town Clerk of the identity of the owner of the dog if the same can be established. If the dog's owner can be properly identified, then the dog shall be held and maintained for a period of ten days (10) for redemption, or if it cannot be properly identified for a period of five (5) days; thereafter it may be held and offered for adoption for an indefinite period, or humanely destroyed at the discretion of the dog control officer.

B. The fact that a dog is without a current dog license tag attached to the dog's collar or harness as provided in Article 7, §109 of the Agriculture and Markets Law shall be presumptive evidence that the dog is unlicensed.

C. Any person claiming a dog from the pound or shelter of the S.P.C.A. must produce a license for such dog and pay the cost of confinement. If the dog is not licensed, a license must be provided and the owner will also be subject to a fine not to exceed the sum of ten (\$10) dollars, as provided in Article 7 of the Agriculture and Markets Law.

§163-7. Dog Control Officer.

A. The Town Board of the Town of Ramapo shall appoint one or more dog control officers for the purpose of assisting, within the appointing municipality, with the control of dogs and the enforcement of this local law and the provisions promulgated pursuant thereto.

B. The appointed dog control officer shall serve at the will of the Town Board and shall be paid such compensation as

duly ordained for such services plus expenses not exceeding, however, the amounts set forth in the budget therefor.

C. Every dog control officer shall have all the powers of a peace officer in enforcing the provisions of this local law and the applicable provisions of Article 7 of the Agriculture and Markets Law.

§163-8. Appeal.

Any person aggrieved by any dog, as defined in §163-3 of this local law, may on his or her own motion apply to any court having jurisdiction for all the relief the law provides.

§163-9. Separability.

If any provision of this law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate any other provision hereof, but shall be confined in its operation to the provision directly involved in the proceeding in which such adjudication shall have been rendered.

§163-10. Penalties. Any person committing an offense against or violating any section or provision of this chapter shall, upon conviction, be punished by a fine not exceeding twenty-five (\$25) dollars for the first offense, fifty (\$50) dollars for the second offense, and one hundred (\$100) dollars for the third and subsequent offenses.

§163-11. Repeal of prior legislation. The following chapter of the existing Code of the Town of Ramapo is hereby specifically repealed: Chapter 10, Dogs (originally adopted 12/10/62)

§163-12. Effective Date. This local law shall take effect immediately.

LOCAL LAW NO. 4 -1983

A LOCAL LAW AMENDING LOCAL LAW NO. 6-
1982 ENTITLED "DOG CONTROL LAW" OF
THE TOWN OF RAMAPO

BE IT ENACTED by the Town Board of the Town of Ramapo as follows:

Section 1. Upon the authority granted by §110(4) of the Agriculture and Markets Law of the State of New York, a new §163-5 of the Code of the Town of Ramapo is added to read as follows:

§163-5. Annual fees for licensing of dogs.

The annual fee for each dog license issued by the Town Clerk of the Town of Ramapo pursuant to this section and Article 7 of the Agriculture and Markets Law of the State of New York shall be:

A. Two Dollars and fifty cents (\$2.50) (State mandated fee) plus Two Dollars and fifty cents (\$2.50) (Local fee) for a total fee of Five Dollars (\$5.00) for each spayed or neutered dog.

B. Seven Dollars and fifty cents (\$7.50) (State mandated fee) plus Two Dollars and fifty cents (\$2.50) (Local fee) for a total fee of Ten Dollars (\$10.00) for each unspayed or unneutered dog.

C. All other licensing fees shall be as provided in Section 110 of the Agriculture and Markets Law of the State of New York.

D. Any person sixty-five years of age or over who owns a dog is exempt from the payment of any local license fees prescribed by this section which are in addition to those mandated by the State pursuant to Section 110 of the Agriculture & Markets Law of the State of New York.

Section 2.

The following sections of Chapter 163 of the Code of the Town of Ramapo (Local Law No. 6 -1982) are hereby renumbered as follows:

Section 163-5 entitled "Prohibitions" is hereby renumbered to Section 163-6.

Section 163-6 entitled "Impoundment" is hereby renumbered to Section 163-7.

Section 163-7 entitled "Dog Control Officer" is hereby renumbered to Section 163-8.

Section 163-8 entitled "Appeal" is hereby renumbered to Section 163-9.

Section 163-9 entitled "Separability" is hereby renumbered to Section 163-10.

Section 163-10 entitled "Penalties" is hereby renumbered to Section 163-11.

Section 163-11 entitled "Repeal of prior legislation" is hereby renumbered to Section 163-12.

Section 163-12 entitled "Effective Date" is hereby renumbered to Section 163-13.

Section 3.

This local law shall take effect immediately upon filing with the Secretary of State.

LOCAL LAW NO. 3 - 1992

A LOCAL LAW AMENDING LOCAL LAW NO. 6-1982
(AS AMENDED - DOG CONTROL LAW) TO ESTABLISH
A TOWN FEE FOR PUREBRED LICENSE

BE IT ENACTED by the Town Board of the Town of Ramapo as follows:

Section 1. - Amend Section 163-5 "Annual Fees for Licensing of Dogs" to read as follows:

"The annual fee for each dog license issued by the Town Clerk of the Town of Ramapo pursuant to this section and Article 7 of the Agriculture and Markets Law of the State of New York shall be:

A. Two Dollars and fifty cents (\$2.50) (State mandated fee) plus Two Dollars and fifty cents (\$2.50) (Local fee) for a total fee of Five Dollars (\$5.00) for each spayed or neutered dog.

B. Seven Dollars and fifty cents (\$7.50) (State mandated fee) plus Two Dollars and fifty cents (\$2.50) (Local fee) for a total fee of Ten Dollars (\$10.00) for each unspayed or unneutered dog.

C. The fee for each purebred license shall be:

1) Twenty Five Dollars (\$25.00) (State mandated fee) plus Fifteen Dollars (\$15.00) (Local fee) if no more than 10 registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the owner's premises at the time of the application.

2) Fifty Dollars (\$50.00) (State mandated fee) plus Twenty Dollars (\$20.00) (Local fee), if no more than 25 registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application; or

3) One Hundred Dollars (\$100.00) (State mandated fee) plus Twenty Five Dollars (\$25.00) (Local fee), if more than 25 registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application.

D. All other licensing fees shall be as provided in Section 110 of the Agriculture and Markets Law of the State of New York.

E. Any person 65 years of age or over who owns a dog is exempt from the payment of any local license fees prescribed by this section which are in addition to those mandated by the State pursuant to Section 110 of the Agriculture & Markets Law of the State of New York."

Section 2. - Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.