

**Local Law No. 1 of the year 2005**

**ANIMAL CONTROL LAW**

**of the Village of Fort Johnson, Montgomery County, New York**

A local law relating to the control and care of animals and providing for the enforcement of regulations and restrictions on the activities and treatment of animals.

**Be it enacted by the Village Board of the Village of Fort Johnson as follows:**

**Section 1. AUTHORITY.** This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of New York State, §10 of the Municipal Home Rule Law, and other legislative authority of the State of New York, as amended from time to time.

**§ 2. PURPOSE.** It is the purpose of this Local Law to preserve public peace and order in the Village of Fort Johnson and to promote the public health, safety and welfare of its people by establishing and providing for the enforcement of regulations and restrictions on the activities of animals that are consistent with the rights and privileges of animal guardians as well as of other citizens of the Village of Fort Johnson.

**§ 3. TITLE.** This Local Law shall be known as the Animal Control Law of the Village of Fort Johnson.

**§ 4. DEFINITIONS.** As used in this Local Law, the following words shall have the meanings given in this Section.

**ACO** See Animal Control Officer.

**Adoption** The delivery of any dog or cat, seized or surrendered, to any natural person eighteen (18) years of age or older, for the limited purpose of harboring a pet.

**Animal** Any living vertebrate, including but not limited to dogs, cats and farm animals, adapted to life in association with humans, or to use by humans.

**Animal Control Officer**

The person or persons appointed by the Village Board for the purpose of enforcing the provisions of this Local Law and/or the provisions of the Agriculture and Markets Law. Hereinafter referred to as the ACO.

**At large** An animal off the premises of the animal's guardian and not under the guardian's control, or an animal on private lands without the knowledge, consent and approval of the owner of such lands.

**Cruelty** An act upon any animal in which a person overworks, tortures, beats, intentionally injures, maims, mutilates, poisons or deprives such animal of necessary sustenance, food or drink, and/or shelter and protection. The term

Cruelty shall include every act, omission, or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

**Guardian** Any person eighteen (18) years of age or older who keeps, harbors or has custody, care or control of an animal shall be considered the primary guardian of such animal. An animal tended by a minor under eighteen (18) years of age shall be deemed to be in the custody and control of the primary guardian of such animal. As used in this Local Law, the term Guardian shall not be interpreted to include a person who has temporary custody, care and control of an animal. See also definition of Owner.

**Household pet** Any dog or cat or other domesticated animal normally maintained in or near a household, that is harbored, controlled, cared for by or under the custody of a guardian or other person who cares for such other domesticated animal.

**Leashed** Restrained by a leash attached to a collar or harness of sufficient strength to control the animal.

**Owner** Title by which a person referred to in this Local Law as a Guardian is referred to by the NYS Department of Agriculture and Markets and on certain licensing and other documents relating to the guardianship of animals. See also definition of Guardian.

**Shelter** Protection of an animal against extreme temperatures in a moisture-controlled structure with a dry floor and clean bedding material.

**Wild animal** An animal living in a state of nature without human care or aid and not ordinarily tamed, including but not limited to deer, bear, raccoons, skunks, foxes, rabbits, reptiles and waterfowl.

## **§ 5. REGULATIONS.**

A. The following regulations shall be known as Class A Regulations.

1. **Cruelty, Neglect and/or Injury to Animals.** All acts of cruelty as defined in § 4 of this Local Law are prohibited.
2. **Conditions for Keeping of Animals.**
  - (a) Animals shall be provided adequate food and water, shelter and protection. All premises occupied by animals shall be kept in a clean, safe and sanitary condition and shall be of sufficient size to provide adequate space so as not to result in overcrowding of the animals.

(b) No animal shall be left unattended in a motor vehicle without proper ventilation. A vehicle shall not be used as a permanent place for harboring an animal.

**3. Vehicular Accidents.** Any person operating a vehicle which strikes, injures or kills an animal shall stop and be responsible for locating the guardian of the animal, the ACO, or a police officer. Such person shall take the necessary actions so that the animal receives immediate medical attention. Upon request by a police officer, the driver shall provide his/her name, address, insurance carrier and identification, and driver's license number.

**4. Attacks on People and Other Animals.**

(a) No animal shall chase, leap at, bite or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or put such person in reasonable apprehension of bodily harm or injury except when such person may be on the private property of the animal's guardian without said guardian's consent.

(b) No animal shall attack, bite, destroy, kill or injure any household pet, poultry, livestock or protected wildlife.

**B.** The following regulations shall be known as Class B Regulations.

**1. License and Inoculations.**

(a) All dogs shall have a valid New York State dog license which shall be renewed annually. The license tag shall be attached to the dog's collar and the collar shall be worn by the dog at all times. License application forms are available at the Town of Amsterdam Clerk's office. Disabled persons and people on Social Security and/or Supplemental Security Income (SSI) are exempt from paying licensing fees.

(b) All dogs and cats six (6) months of age and older shall be inoculated for rabies. Guardians shall have a valid certificate of inoculation available upon the request of the ACO.

**2. Control of Animals When Off a Guardian's Premises.**

(a) Dogs shall be leashed and shall not run at large.

(b) No animal shall be restrained in such a manner that interferes with a person's ability to approach, pass by or gain entrance to a public building or right-of-way.

**3. Transport of Animals.**

- (a) No person shall carry or cause to be carried in or upon any vessel or vehicle or otherwise, any animal in a cruel, inhumane or dangerous manner.
- (b) No animal shall be carried on a public way in the open bed of a pickup truck or similar vehicle unless the animal is protected by a secure container or cage, or is otherwise restrained upon a non-metal mat in a manner that will prevent the animal from falling, being thrown or jumping from the vehicle, being strangled or being otherwise injured.

**4. Damage and Defecation.**

- (a) No animal shall uproot, dig into, upset or otherwise damage any lawns, vegetables, flowers, garden beds, garbage containers or other property not belonging to the guardian of such animal.
- (b) An animal's guardian is responsible for removing feces deposited by such animals on any property, public or private, other than the property of the animal's guardian. Guardians of guide dogs are exempt from this regulation.

**5. Noise and Nuisance.**

- (a) No animal shall engage in habitual barking, howling or whining in such a manner as to habitually interfere with the reasonable use or enjoyment of property by any person other than the guardian of such animal. Habitual shall be defined as more than fifteen (15) minutes of persistent barking, howling or whining.
- (b) No animal shall conduct itself in such a manner as to habitually annoy any person other than the guardian of such animal nor shall an animal habitually chase, run alongside of or bark at any motor vehicle, cyclist and/or pedestrian while on a public street or highway or upon public or private property other than property of the animal's guardian.

**6. Animals in Heat.** When in heat, a female animal shall be confined to the premises of the animal's guardian except when being transported to a veterinarian's office or when involved in a formalized breeding program. If the guardian transports such animal while in heat, the animal shall be leashed. Any female animal found at large while in heat may be seized by the ACO and placed in a safe place of confinement until estrus ends. The guardian of such animal shall be responsible for all costs incurred.

**7. Wild Animals.** New York State Conservation Law regulates the management of wild animals that pose a health threat or that cause damage to property. All complaints should be directed to New York State Conservation Officers.

**§ 6. SEIZURE.**

- A.** The ACO, or a police officer if the ACO is unavailable, may seize any dog which cannot be identified and which is not on the property of the dog's guardian, and any unlicensed dog.
- B.** The ACO, or a police officer if the ACO is unavailable, may seize any animal which:
  - 1. the officer suspects may be ill, injured, or may endanger animal or human welfare;
  - 2. is found in conditions which are not clean, safe and sanitary with adequate food and water, shelter and protection as provided in § 5.A.2 (a) of this Local Law;
  - 3. reasonably appears to be in need of rescue from a closed vehicle as provided in §5.A.2(b) of this Local Law.
- C.** Upon taking custody of an animal the ACO or police officer shall make and maintain a complete record of the seizure and subsequent disposition of the animal. The record shall include a description of the animal including sex and breed, license tag identification number (if available), date and time of the seizure, location of premises, and reason for the seizure.
- D.** The ACO or police officer shall attempt to locate the guardian of the seized animal by contacting Montgomery County emergency dispatch and local animal shelters. If the animal's guardian cannot be located, the animal shall be taken by the ACO or police officer to either a shelter or animal hospital under contract with the Town of Amsterdam, whichever is closer and/or open.
- E.** Any animal seized shall be properly sheltered, fed and watered for a period not to exceed fourteen (14) days from the time of seizure. After this period, any animal not claimed by the animal's guardian or adopted shall be transported to and released to the Montgomery County SPCA or turned over to a not-for-profit animal care organization.

## **§ 7. REDEMPTION, IMPOUNDMENT AND ADOPTION.**

- A.** Any dog seized as unlicensed or for any violation of this Local Law shall be held until the dog's guardian provides proof of current and valid licensing and current rabies inoculation. A cat seized shall be held until its guardian provides proof of current rabies inoculation.
- B.** Consistent with the New York State law that requires proof of rabies inoculation, when the guardian of a dog or cat cannot provide such proof, the ACO shall make an appointment for a rabies shot, transport the animal to the veterinarian and turn the certificate of inoculation over to the animal's guardian when the animal is released from impoundment.
- C.** Unclaimed animals may be offered for adoption after a five (5) day impoundment period. To adopt a dog, the prospective guardian is required to procure a New York State dog license and a rabies certificate. To adopt a cat, the prospective guardian shall procure

only the rabies inoculation certificate. The ACO shall arrange for rabies certificates for adopting guardians.

- D. The guardian of any animal seized pursuant to this Local Law shall pay all shelter, veterinary and impoundment fees prior to the animal's return to said guardian.

## **§ 8. FILING OF COMPLAINTS AND REPORTS OF CRUELTY.**

- A. Any person who observes an animal or its guardian in violation of any provision of this Local Law may file a complaint, under oath, with the ACO or, if the ACO is not available, with any police officer, specifying the violation, the damage caused, the place, time and date of the violation, and the name and address of the animal's guardian, if known. The ACO shall take warranted action.
- B. Upon seeing or receiving information about any act of cruelty to an animal, the ACO shall file a report with an agent or officer of the American Society for the Prevention of Cruelty to Animals (ASPCA) or with any duly incorporated society for the prevention of cruelty to animals.

## **§ 9. ENFORCEMENT AND ISSUANCE OF APPEARANCE TICKETS.**

- A. **Lost or Stray Animals.** Upon an animal guardian's payment of any outstanding impoundment, shelter or veterinary costs and proof of rabies inoculation and license, when applicable, a lost or stray animals shall be returned to its guardian without the imposition of penalties.
- B. **Issuance of Appearance Tickets.** The ACO shall have the authority to administer and enforce the provisions of this Local Law and to issue and serve court appearance tickets for violations thereof.
- C. **Court Appearance Required.** An animal guardian who has received an appearance ticket shall appear in court, in person or by attorney, on the date and time specified on said appearance ticket.
- D. **ACO's Authority.** No person shall hinder, resist or oppose the ACO or other person(s) authorized to administer or enforce the provisions of this Local Law.

**§ 10. PENALTIES.** After issuance of an appearance ticket, and upon conviction of a violation of this Local Law, such offense shall be deemed a misdemeanor or violation as set forth hereinbelow. Each charge shall constitute a distinct and separate offense. Where more than one animal is involved in such offense, a separate penalty shall be imposed for each such animal.

- A. A violation of any Class A Regulation as delineated in § 5.A of this Local Law shall be a misdemeanor and shall be punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one (1) year, or by both. In addition, the provisions of the Penal Law and the Criminal Procedure Law of the State of New York relative to dispositions of misdemeanors shall be applicable.

**B.** A violation of any Class B Regulation as delineated in § 5.B of this Local Law shall be a violation and shall be punishable as follows:

1. First offense: A fine of up to twenty-five dollars (\$25), or up to ten (10) days in jail, or both.
2. Second offense within the preceding five (5) years: A fine of up to one hundred dollars (\$100), or up to ten (10) days in jail, or both.
3. Third offense within the preceding five (5) years: A fine of up to one hundred fifty dollars (\$150), or up to fifteen (15) days in jail, or both.
4. Fourth offense within the preceding five (5) years: A fine of up to two hundred fifty dollars (\$250), or up to fifteen (15) days in jail, or both.
5. Fifth offense within the preceding five (5) years: A fine of up to three hundred fifty dollars (\$350), or up to fifteen (15) days in jail, or both.
6. Sixth and any subsequent offense within the preceding five (5) years: A fine of up to five hundred dollars (\$500), or up to fifteen (15) days in jail, or both. In addition, the provisions of the Penal Law and the Criminal Procedure Law of the State of New York relative to dispositions of violations shall be applicable.

**C.** The penalties specified in this Section shall be in addition to any other penalties provided by this or any other applicable law, regulation or statute and are specifically intended to supplement all other remedies provided by this or any other applicable law, regulation or statute available to any individual who suffers damage caused by an animal of which another person is guardian.

**§ 11. NON-LIABILITY OF THE VILLAGE.** The guardian of any animal destroyed as a result of being released to the SPCA or to an authorized veterinarian shall not be entitled to any compensation, and no action shall be allowed thereafter to recover the value of such animal or any other type of damage.

**§ 12. SEPARABILITY.** Each separate provision of this Local Law shall be deemed independent of all other provisions herein and, if any provision is adjudged invalid by any court of competent jurisdiction, all other provisions herein shall remain valid and enforceable.

**§ 13. SUPERSESION.** This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of animals within the Town of Woodstock and they shall be, upon the effective date of this Local Law, null and void.

**§ 14. EFFECTIVE DATE.** This Local Law shall become effective immediately upon being filed in the office of the Secretary of State of the State of New York.