

Chapter 45

DOGS

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[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 7-28-77 as L.L. No. 3-1977. Amendments noted where applicable.]

§ 45-1. Purpose.

This chapter is enacted pursuant to Article 7 of the Agriculture and Markets Law of the State of New York for the promotion of the public welfare and health and general welfare of the Village, including the protection and preservation of the property of the Village and all its inhabitants and of the peace and good order in the controlling and regulating of dogs in the Village of Cold Spring.

§ 45-2. Definitions.

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

AGRICULTURE AND MARKETS LAW - The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Article, as amended by this Article and as amended thereafter.

DOG - Male and female, licensed and unlicensed, members of the species Canine families.

OWNER - The party purchasing the license if the dog is licensed. If a dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any animal which is kept, brought or comes within the Village. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any accusatory instrument charging a violation of this chapter shall be held and deemed to be the "owner" of such dog for the purpose of this chapter. In the event any dog found to be in violation of this chapter shall be owned by a minor, 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 and violation of this chapter.

RUN AT LARGE - Means either:

- A. To be in or on any public place, way or location unless restrained by an adequate leash or chain and also accompanied by an owner or other responsible person able to control it by command; or
- B. To be on or in any private lands without the knowledge, consent and approval of the owner of such private lands.

§ 45-3. Control of Unleashed Dogs. [Amended 12-8-98 by L.L. 98-1]

- 1. Any person owning or harboring any dogs in the Village of Cold Spring shall be in violation of this law if such dog, whether or not tagged or licensed and whether or not muzzled:
 - (a) Runs at large (that is, upon highways, streets, sidewalks or premises other than those of its owner or the person harboring the dog) unless said dog is restrained by an adequate collar and leash ~~and-or-unless-or-unless-and~~ accompanied by its owner or a responsible person able to control such dog;
 - (b) Engages in habitual loud howling or barking or conducts itself in such a manner as to habitually annoy any person other than the person owning or harboring such dog;
 - (c) Causes damage or destruction to property, defecates, urinates or otherwise commits a nuisance upon the premises of a person other than the person owning or harboring such dog;

- (d) Chases or otherwise harasses any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury;
 - (e) Habitually chases or barks at motor vehicles;
 - (f) Creates a nuisance by defecating, urinating or digging on public or private property, other than the property of the owner, which the owner fails to immediately correct.
2. All peace officers in the Village of Cold Spring and all employees of any ~~D~~dog ~~C~~ontrol ~~O~~fficer appointed by the Village of Cold Spring, the Town of Philipstown or the County of Putnam shall administer and enforce the provisions of this law, and for such purposes shall have the authority to issue appearance tickets pursuant to Article 150 of the Criminal Procedure Law. Appearance tickets may require payment by mail of a designated fine or appearance in the Justice Court of the Village of Cold Spring and shall be in such form as may be prescribed by the Village Justice of the Village of Cold Spring.
3. Any person who observes a dog causing damage or destruction to property of a person other than it's owner, or committing a nuisance upon the premises of a person other than it's owner, may file signed complaint, under oath, with the Village Justice of the Village of Cold Spring, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and name and address, if known, of the owner or other person harboring said dog.
4. Upon receipt by the Village Justice of the Village of Cold Spring of any complaint against the conduct of any particular dog, the Village Justice of the Village of Cold Spring may summon the alleged owner or other person harboring said dog to appear in person before said Justice; if the summons is disregarded, the Village of Cold Spring Justice may permit the filing of an information and issue a warrant for the arrest of such person.
5. In the event that any dog found to be in violation of this law is owned by a person under 18 years of age, the head of the household in which said person resides shall be deemed to be the owner or person harboring such dog and responsible for the acts of said dog for purposes of this law.

6. The violation of this local law shall be deemed an offense, and shall be punishable pursuant to the provisions of the New York State Agriculture and markets Law and pursuant to the New York State Penal law as a violation.
7. The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall not invalidate any other clause, sentence, paragraph, or provision or part hereof.
8. A violation of any one or more of the above lettered sections (a-f) contained in paragraph 2 above, will be grounds for issuance of an appearance ticket. The ticket may be issued to any owner or any person in whose custody and control the owner has placed the animal at the time in question. Upon conviction under this chapter, the person shall be punished by a fine not to exceed fifty dollars (\$50) for the first offense, one hundred dollars (\$100) for the second and one hundred fifty dollars (\$150) for the third and subsequent offenses.

9. This statute takes effect immediately.

§ 45-4. Licensing

The owner of any dog reaching the age of six (6) month shall immediately make application to the Clerk of the Town of Philipstown for a dog license and receive a validated license. Such license shall be renewed on the schedule established by the Town of Philipstown.

§ 45-~~54~~. Presumption.

The fact that a dog is at large in the Village of Cold Spring in any place other than the premises of the owner shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.

§ 45-~~65~~. Enforcement.

- A. Any police officer observing a violation of this chapter in his/her presence shall issue and serve upon the owner an appearance ticket pursuant to Criminal Procedure Law Article 150, charging such violation.
- B. Any person, other than a police officer, who observes a violation of this chapter, may file an information charging such violation with the Village Court. Upon the filing of such information, the court shall secure the appearance of the owner by means of a summons under CPL Article 130.

§ 45-~~76~~. Penalties for offenses.

Upon conviction, a failure to comply with the provisions of this chapter shall be deemed a violation and shall be punishable by a fine not exceeding ~~twenty-five dollars (\$25)~~ forty dollars (\$40) for the first violation, not exceeding ~~fifty dollars (\$50)~~ one hundred dollars (\$100) for the second violation and not exceeding ~~seventy-five dollars (\$75)~~ two hundred dollars (\$200) for the third violation and all subsequent violations.