

Chapter 66

DOGS

[HISTORY: Adopted by the Town Board of the Town of Hartland as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Fees

[Adopted 12-9-2010 by L.L. No. 2-2010¹]

§ 66-1. Annual fees established.

The annual fees for dog licenses are established as follows:

- A. The fee for each spayed or neutered dog shall be \$6, plus an additional fee (surcharge) required by Agricultural and Markets Law § 110(3) in the amount of \$1.
- B. The fee for each unspayed or unneutered dog shall be \$13, plus an additional fee (surcharge) of \$3 as required by Agricultural and Markets Law § 110(3).
- C. An additional fee (surcharge) as authorized by Agricultural and Markets Law § 110(4)(a) for costs for enumeration of dogs in the amount of \$5 for each dog identified as unlicensed during such enumeration.
- D. An additional fee (surcharge) of \$3 as authorized by Agricultural and Markets Law § 110(4)(b) for provisions of replacement tags.
- E. Purebred licenses.
 - (1) A fee for each purebred license in the amount of:
 - (a) For 1 to 10 dogs: \$25.
 - (b) For 11 to 25 dogs: \$50.
 - (c) For over 25 dogs: \$100.
 - (2) In addition, an additional fee (surcharge) of \$1 for each spayed or neutered dog under the license and \$3 for each unspayed and unneutered dog under the license.
- F. Notwithstanding any other provision of this article, the following are exempt from fees established for licensing: guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, police work dogs and therapy dogs. Any request for exemption shall be accompanied by such documentation as the Town Clerk shall require.

ARTICLE II

1. Editor's Note: This local law also repealed former Art. I, License Fees, adopted 5-13-1993 by L.L. No. 1-1993.

Licensing, Identification and Control of Dogs
[Adopted 2-10-2000 by L.L. No. 1-2000²]

§ 66-2. Purpose.

The purpose of this article is to assure and preserve the public peace and good order in the Town of Hartland by declaring and enforcing certain regulations and restrictions on the actions of dogs within the Town, outside of the Village of Middleport, pursuant to the authority conferred upon the Town by the Agriculture and Markets Law and its police power.

§ 66-3. Definitions.

A. Except as set forth below, the terms used herein, and the definitions thereof, shall have the same meaning as such terms have under the provisions of the Agriculture and Markets Law of the State of New York.

B. The following terms are defined for purposes of this article to be:

HABITUAL LOUD HOWLING OR BARKING — A dog that barks, bays, cries, howls, or makes any other noise for a period of 30 minutes or barks intermittently for one hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private or commercial property; provided, however, that a dog shall not be deemed to be engaged in habitual load howling or barking for purpose of this article if, at the time the dog is barking or making any noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause that teased or provoked the dog. [Added 3-12-2015 by L.L. No. 1-2015]

OWNER — Any person designated as an owner on any dog license application filed with any Town Clerk.

RUNNING AT LARGE — The presence of a dog:

- (1) Off the premises either owned or occupied by the owner; or
- (2) In the right-of-way of any public highway or street.

§ 66-3.1. Licensing and identification. [Added 10-14-2004 by L.L. No. 1-2004; amended 12-9-2010 by L.L. No. 2-2010]

Any person owning, harboring or having care, custody or charge of any dog shall, at all times, be in full compliance with the obligations established pursuant to the Agriculture and Markets Law, § 109, relating to licensing, and § 111, relating to identification of dogs.

§ 66-4. General regulations and restrictions. [Added 3-12-2015 by L.L. No. 1-2015³]

It shall be unlawful for any person owning, harboring or having care, custody or charge of any dog in the Town of Hartland to permit or allow such dog to:

2. Editor's Note: This local law repealed former Art. II, Control of Behavior, adopted 2-14-1980 by L.L. No. 1-1980, as amended.
3. Editor's Note: This local law also repealed former § 66-4, Running at large prohibited.

- A. Run at large in the Town of Hartland unless effectively restricted or controlled by a person by means of a chain or leash not exceeding 10 feet in length.
- B. Engage in habitual loud howling or barking.
- C. Cause damage or destruction to property or become a nuisance upon the premises of a person other than the owner or person harboring such dog.
- D. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put any person present in reasonable apprehension of bodily harm or injury.
- E. Habitually chase or bark at motor vehicles.

§ 66-5. Seizure and impounding of dogs.

Any dog running at large in the corporate Town of Hartland in violation of this article may be seized and impounded by any police officer or Dog Control Officer in accordance with the provisions of the Agriculture and Markets Law.

§ 66-6. Exceptions.

A dog accompanied by a person, actually present, who is engaged, off a public highway, in field training or hunting, or exercising a dog, provided that the person has visual and/or voice control over the dog, shall not be deemed "running at large" in violation of this article, except that if such dog shall in any way challenge, attack, intimidate or worry any person, other dog or domestic animal, this dog shall be deemed "running at large" in violation of this article.

§ 66-7. Penalties for offenses. [Amended 12-9-2010 by L.L. No. 2-2010]

Any person convicted of a violation of any provision of this chapter shall be guilty of an offense and shall be punished by a fine of not more than \$250 or by imprisonment for a period not in excess of 15 days, or by both such fine and imprisonment.

§ 66-8. Number of dogs permitted. [Added 3-12-2015 by L.L. No. 1-2015]

- A. The maximum number of dogs that may be harbored on any premises within the Town of Hartland is five, regardless of the number of residents on such premises.
- B. For the purpose of this section, dogs under four months old shall not be counted.
- C. Kennels, pet dealers, and municipal shelters possessing the proper permits and licenses are exempt from this section so long as they are in compliance with said permits and licenses, and all local regulations, laws, and zoning.

§ 66-9. Enforcement. [Added 3-12-2015 by L.L. No. 1-2015]

The Dog Control Officer, Code Enforcement Officer, or any police officer may enforce the provisions of this chapter.