

DOGS  
CHAPTER 47

DOGS

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[HISTORY: Adopted by the Town Board of the Town of Hamlin 4-7-75; Sections 47-3, 47-5, 47-6, 47-8, 47-9, 47-10, 47-12, and 47-13 amended at time of adoption of code; Chapter 1, General Provisions, Art. I. Other amendments noted where applicable.] [Amended by Local Law 4-1997, filed 5-19-97, amended 3-12-07 by L. L. #7-2007]

**§ 47-1. Title.**

This chapter shall be known as the “Town of Hamlin Dog Control Ordinance.”

**§ 47-2. Purpose.**

The purpose of this chapter shall be to preserve the public peace and good order in the Town of Hamlin and to contribute to the public welfare and good order of its people by enforcing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of the owners of dogs and the rights and privileges of other citizens in the Town of Hamlin, as well as to preserve the relationship between a dog and its master.

**§ 47-3. Definitions.**

As used in this chapter, the following words or terms will be interpreted to have the following respective meanings:

AT LARGE – A dog off the premises of the owner.

DOG CONTROL OFFICER – The person appointed and authorized by the Town Board to enforce the provisions of this chapter. The Town Board may also appoint a Deputy Dog Control Officer, who shall be authorized to enforce the provisions of this chapter.<sup>1</sup>

OWNER – Any person who is a licensed owner of a dog or any person who keeps, feeds or harbors a dog for over one (1) week. The “owner” need not be a resident the Town of Hamlin, but, for a violation to occur, the dog must be in the town limits of the Town of Hamlin. Dogs owned by minors shall be deemed to be in the custody and control of the minor’s parents, guardians or other head of the household where the minor resides.

**§ 47-4. Restrictions.**

**A.** It shall be unlawful for any owner of any dog to permit or allow such dog, while in the Town of Hamlin, to run at large unless such dog is:

(1) Restrained by adequate collar and leash;

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<sup>1</sup> Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (2) Otherwise under control; or
  - (3) On the premises of another property owner with the knowledge, consent and approval of the owner of such premises.
- B. It shall be unlawful for any owner to permit or allow such dog, while in the Town of Hamlin, to:
- (1) Engage in habitual loud howling or barking or to conduct itself in such a manner so as to habitually annoy any person other than the owner.
  - (2) Cause damage or destruction to property or other animals or commit a nuisance upon the premises of a person other than the owner.
  - (3) Chase or harass any person so as to place such person in reasonable apprehension of bodily harm or injury.
  - (4) Habitually chase moving vehicles.
  - (5) Run at large with a pack or with other dogs or chase deer or other animals.
- C. It shall be unlawful for the owner of any female dog to permit such dog to run at large when in heat, and such dog shall be confined during such period.

**§ 47-5. Enforcement.<sup>2</sup>**

This chapter shall be enforced by the Dog control Officer, by the Deputy Dog Control Officer or by any law enforcement officer. The Dog Control Officer or Deputy Dog Control Officer of the Town of Hamlin shall seize any dog which is found to be in violation of § 47-4A of this chapter, as well as any dog or dogs otherwise required to be seized under and by virtue of the Agriculture and Markets Law of the State of New York.

All complaints concerning alleged violation of this chapter shall be communicated to the Dog Control Officer or to the Deputy Dog Control Officer, who may require that such complainant sign a written complaint. It shall be the duty of the Dog Control Officer or Deputy Dog Control Officer, in the appropriate case, to proceed with civil or criminal enforcement of this chapter or any other provisions of law pertaining hereto.

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<sup>2</sup>Editor;s Note: Amended at time of adoption of code; See Ch. 1, General Provisions, Art. I.

**§ 47-6. Impoundment.<sup>3</sup>**

Any dog in violation of 47-4 of this chapter or which does not have a valid license may be impounded and taken to such place of detention as provided by the Dog Control Officer or Deputy Dog Control Officer, and shall there be properly fed and cared for at the expense of the Town of Hamlin until deposition thereof shall be made in accordance with the provisions of this chapter and §118 of the Agriculture and Markets Law of the State of New York.

**§ 47-7. Seizure of licensed dogs.**

In the event that the dog seized bears a license tag, the authorized person seizing the dog shall, within three (3) days thereafter, ascertain the name of the owner and give such owner immediate notice by serving upon such owner a notice, in writing, stating that the dog has been seized, indicating when, where and why the dog was seized and stating that the dog may be disposed of unless redeemed or a trial is demanded by the owner within twelve (12) days of seizure of the dog.

**§ 47-8. Seizure of unlicensed dogs.<sup>4</sup>**

The fact that a dog is without a license tag attached to a collar, as required under the Agriculture and Markets Law of the State of New York, shall be presumptive evidence that the dog is unlicensed. In the event that the dog seized does not bear a license tag the Dog Control Officer or other law enforcement officer shall be authorized to destroy the dog (7) days after impounding the dog or to dispose of such dog in accordance with §118 of the Agriculture and Markets Law, unless the owner redeems the dog as hereinafter provided or unless a trial is demanded by the owner within seven (7) days of seizure.

<sup>3</sup>Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.

<sup>4</sup>Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.

**§47-9. Redemption.**<sup>5</sup>

- A. Any dog which has been seized pursuant to this chapter may be redeemed upon adequate proof that such dog is licensed at the time of redemption and upon payment of the fees and expenses set forth in paragraphs B and C of this Section 47-9, and upon payment of a seizure fee in the following amount:
1. Twenty-Five Dollars the first time a dog is seized.
  2. Forty-Five Dollars the second time a dog is seized.
  3. Sixty Dollars the third time a dog is seized.
  4. Seventy-Five Dollars the fourth time a dog is seized.
  5. One Hundred Dollars the fifth and any subsequent time a dog is seized.
- B. In addition to the aforesaid seizure fee, the owner shall pay an impound fee (kennel fee) of Ten Dollars for each day or portion of a day that the dog is impounded.
- C. In the event any seized dog is taken to a veterinarian during the period of impoundment, that owner must pay Twenty-Five Dollars for each trip to the veterinarian plus all veterinarian fees incurred during the impoundment period.

**§ 47-10. Trial procedure.**<sup>6</sup>

In the event that the owner or person harboring the dog desires a trial, he shall post bail in the amount of fifty dollars (\$50.) to pay for the care of the dog while impounded and demand a trial in writing. The Dog Control Officer or other law enforcement officer shall immediately proceed to file any information with the Town Justice so that the matter will appear on the docket of the Town Justice as soon as possible.

**§ 47-11. Forfeiture of title.**

In the event that an impounded dog is not redeemed or a trial demanded within the time herein before set forth, the owner shall forfeit title to the dog, and it may thereafter be disposed of or destroyed by the appropriate officials as herein provided.

<sup>5</sup>Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I, amended 3-12-2007 by L. L. #7-2007.

<sup>6</sup>Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art.I

**§ 47-12. Disposition of dogs.<sup>7</sup>**

Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provisions of §118 of the Agriculture and Markets Law. The Town Clerk shall keep a record of the disposition on file for a period of Three (3) years.

**§ 47-13. Penalties for offenses.<sup>8</sup>**

A violation of this chapter shall be punishable as set forth in §119 of the Agriculture and Markets Law.

**§ 47-14. Liability of town.**

The owner, possessor or harbinger of any dog destroyed under the provisions of this chapter shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of the dog.

**§ 47-15. Amendments.**

The Town Board may, from time to time, supplement, change, modify or repeal this chapter pursuant to the provisions of the Town law applicable thereto.

**§ 47-16. License fees. [Added 3-9-81]**

- A. Annual license fees for all dogs within the Town of Hamlin shall be as set forth in §110 of the Agriculture and Markets Law of the State of New York, and the Local fee is set by resolution of the Town Board.
- B. Senior citizens, sixty five (65) years of age or older, who license their own dogs shall be required to show proof of age and shall be charged a lower fee as established from time to time by resolution of the Town Board.

**§ 47-17. Severability.**

If any clause, sentence, subdivision, paragraph, section or part of this Local Law is adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subsection, paragraph, section or part thereof directly involved in the controversy in which said judgement shall have been rendered.

<sup>Editor's</sup> **Note: Amended at time of adoption of code; See Ch.1, General Provisions, Art. I**

<sup>8</sup>**Editor's Note: Amended at time of adoption of Code; See Ch.1, General Provisions, Art. I**