

**Underlined-additional language**

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CHAPTER 92, DOGS

Article I

**Licenses; Fees**

**§ 92-1 Purpose.**

The purpose of this article is to provide for the licensing and identification of dogs pursuant to Chapter 59 of the Laws of 2010 of the State of New York, effective January 1, 2011, as well as the continued control and protection of the dog population and of persons, property, domestic animals and deer from dog attack and damage.

**§ 92-2 Dog license required; application.**

- A. All dogs within the Town of Clifton Park, four months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk a dog license application together with the license application fee, as well as any application license surcharges and such additional fees as may be established by the Town Board. Each license application fee shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case the vaccination shall not be required in the discretion of the Town's Health Officer.
- B. The Saratoga County Animal Shelter, acting through its management personnel, is hereby authorized to provide, accept and grant an application for a dog license made by a resident of Clifton Park at the time of adoption of a dog from the Saratoga County Dog Shelter, provided that such application is made in accordance with this chapter and that the license fee, along with any additional fee and surcharge, shall be remitted to the Town Clerk of the Town of Clifton Park on or before the third day of the following month in which the license fee was received.

**§ 92-3 Fees.**

- A. The Town of Clifton Park hereby establishes the fee for a dog license issued pursuant to this chapter at \$2.50 for a spayed or neutered dog and \$8.50 for dogs not spayed or neutered. The fee for replacement dog tags shall be \$3.
- B. In addition to the license fee established by Subsection A above, each applicant for a dog license shall pay a surcharge of \$1 if the dog to be licensed is spayed or neutered and \$3 if the dog is not so altered.
- C. Excepted from payment of the license fees in Subsection A above are applications submitted for a dog license for any guide, service, war, working dogs, search or law enforcement purposes, and therapy dogs.
- D. The surcharge identified in Subsection A above shall be collected by the Town Clerk and submitted to the New York State Animal Population Control Fund, to the entity designated by the State of New York, pursuant to Agriculture and Markets Law § 107, as amended.
- E. All dog owners are required to notify the Town Clerk of a change in ownership of any dog over the age of four months, within the Town of Clifton Park, within 30 days of the change in ownership, and to apply for a current dog license if required by this chapter.
- F. The license tags issued by the Town Clerk shall contain the identification number issued by the Clerk. All dogs within the Town of Clifton Park must wear the license tags issued by the Clerk at all times, except that a dog participating in a dog show shall be exempt from the identification section of this

article and of § 111 of the Agriculture and Markets Law during such participation.

## Article II Leash Law

**[Adopted 12-20-2010 by L.L. No. 9-2010]**

### § 92-4 Purpose.

The Town of Clifton Park, New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons and damage to property and has created nuisances within the Town. The purpose of this article is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

### § 92-5 Statutory authority.

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law, as amended, effective January 1, 2011, and the Municipal Home Rule Law of the State of New York.

### § 92-6 Title.

The title of this article shall be the "Dog Control Law of the Town of Clifton Park."

### § 92-7 Definitions.

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

#### **AT LARGE**

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:

- A. Accompanied by and under the immediate supervision and direct leash control of the owner or other responsible person. All dogs shall be on a leash and kept under direct leash control, with leashes securely fastened to the dog and held by the owner or other responsible person and may be no longer than 25 feet.
- B. A police work dog in use for police work, or search and rescue dog engaged in search and rescue operations.
- C. Accompanied by its owner or other responsible person and is actively engaged in hunting on unposted land or on posted land with the permission of the owner of the land.
- D. Within the boundaries of the Mary Jane Row Dog Park and accompanied by the owner or other responsible person. Persons using the Mary Jane Row Dog Park are required to abide by the rules and regulations which shall be promulgated and may be amended from time to time by the Town Board. Copies of the posted rules and regulations shall be also available from the office of the Town Clerk.
- E. Within the boundaries of Kinns Road Park and accompanied by the owner or other responsible person. Persons using the Kinns Road Park are required to abide by the rules and regulations which shall be promulgated and may be amended from time to time by the Town Board. Copies of the rules and regulations shall be available from the office of the Town Clerk.

#### **HARBOR**

To provide food or shelter to any dog.

#### **OWNER**

Any person who harbors or keeps any dog. In the event that any dog found in violation of this article shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

**§ 92-8 Prohibitions.**

Notwithstanding any other provision of local law, it shall be unlawful for any owner of any dog, or person responsible for such dog, to permit or allow such dog, in the Town of Clifton Park, to:

- A. Be at large.
- B. Engage in habitual loud howling or barking so as to habitually annoy any person. Barking at an intrusion or a disturbance shall not constitute a violation of this article. For purposes of this Subsection **B**, “habitual” shall be defined as occurring continuously for a period of 15 minutes or longer.
- C. Cause damage or destruction to property or commit a nuisance by habitually defecating or urinating or scavenging through refuse upon the premises of a person other than the owner of such dog, unless the owner of said premises has given permission therefor.
- D. Commit an overt act which causes a person who is peaceably conducting himself in any place where he may lawfully be to be placed in reasonable apprehension of bodily harm, together with apparent ability in a dog to inflict such harm.

**§ 92-9 Enforcement.**

This article shall be enforced by any animal control officer, security officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Clifton Park. Notwithstanding any provision to the contrary in any other chapter of the Code of the Town of Clifton Park, this authority shall extend to the entirety of the Town of Clifton Park, including all the parks and preserves located within the Town.

**§ 92-10 Seizure.**

The Town of Clifton Park participates in the shelter and impoundment services provided by the Saratoga County Animal Shelter. A dog may be seized, pursuant to the provisions in § 117, as amended, of the Agriculture and Markets Law, only if such dog is at large or unlicensed.

**§ 92-11 Impoundment.**

Every dog seized shall be properly cared for, sheltered, fed and watered pursuant to § 117, as amended, of the Agriculture and Markets Law for a redemption period of not less than seven days.

**§ 92-12 Redemption; adoption; euthanization.**

- A. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in § 118 of said article.
- B. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subsection **A** of this section whether or not such owner chooses to redeem his or her dog.
- C. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of § 117, as amended, of the Agriculture and Markets Law.
- D. If the owner of animals impounded under this section, and pursuant to Article 7 of the Agriculture and Markets Law, which are injured or sick and which required veterinary care and impounding expenses

shall be required to pay the veterinary and impounding expenses whether or not such owner chooses to redeem his or her dog.

**§ 92-13 Complaint; filing and specifications.**

- (a) Any person who observes a dog in violation of this article may file a complaint under oath or an affirmation with a Justice of the Town of Clifton Park or with an animal control officer, security officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Clifton Park, specifying the nature of the violation, the date and time thereof, a complete description of the dog, including, for example, the breed, the approximate size, color, markings and distinguishing characteristics, and the name and residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this article.

§ 92-13 (b) The Animal Control office is authorized to Petition any court of competent jurisdiction for an order requiring the payment of veterinary or impoundment expenses in cases where animals are seized or impounded as a result of accident, injury, or illness under 1 NYCRR Section 77.2 et seq.

**§ 92-14 Appearance ticket.**

- A. Any animal control officer, security officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Clifton Park observing a violation of this article in his presence or receiving a complaint pursuant to § 92-13 of this article, shall issue and serve an appearance ticket for such violation.
- B. Appearance tickets issued under this chapter may be resolved by written plea agreement lodged with the court, subject to judicial approval, for individuals represented and unrepresented by counsel. Electronic signatures, scanned or photocopied signatures on plea agreement forms shall be presumptively reliable. The Town Animal Control Officer is authorized to execute plea agreements for the resolution of appearance tickets issued under this chapter. [Added 9-8-2020 by L.L. No. 6-2020]

**§ 92-15 Penalties for offenses.**

[Amended 9-8-2020 by L.L. No. 6-2020]

Any person convicted of a violation of any of the provisions of Article **II** or **III** of this chapter shall be guilty of a violation and shall be subject to the following:

- A. For a first offense, a civil penalty not to exceed \$100.
- B. For a second offense committed within a period of one year, a civil penalty not less than \$100 nor more than \$250.
- C. For a third or subsequent offense committed within a period of one year, a civil penalty not less than \$200 nor more than \$500.
- D. Notwithstanding any other penalty imposed by a Justice of the Town Court under this section, a dog owner or responsible person shall be prohibited from being present in either the Mary Jane Row Dog Park or the Kinns Road Park with any unleashed dog, for a period of one year, after being convicted of a violation under this chapter three or more times, as a result of three or more transactions within a consecutive twelve-month period. For purposes of this Subsection **D**, a "transaction" is defined as an event during which one or more appearance tickets are issued by an authorized Town enforcement officer.
- E. In addition to the penalties authorized by this section, the Town may seek, and a court of competent jurisdiction may impose, an order of restitution under this chapter for damages or destruction of property, or for veterinary bills directly related to an injury or damage to pets or domestic animals as a

result of a violations of this chapter.

### Article III Removal of Wastes

[Adopted 8-17-1992 by Ord. No. 2-1992]

#### § 92-16 Purpose.

The Town of Clifton Park, New York, hereby recognizes the need and benefit to its citizens in enhancing and maintaining the cleanliness and beauty of property owned and/or maintained by the Town of Clifton Park, as well as private property owned by its residents. The purpose of this article is to enact and enforce certain regulations concerning the activities of dogs within the Town as those activities relate to the maintenance of clean and sanitary property.

#### § 92-17 Prohibitions.

- A. Any person who owns or is in charge of any dog which defecates on property owned and/or maintained by the Town of Clifton Park shall immediately remove said waste product and dispose of it in a sealed, nonabsorbent, leakproof container. The waste material shall be disposed of by said person in a container used for the disposal of refuse.
- B. This article shall also apply to private property in the Town of Clifton Park, unless the owner of said property gives his or her permission for the deposit of said waste on his or her property.
- C. This section shall not apply to a blind person with a guide dog or otherwise disabled persons with dogs trained to assist them, nor to service dogs.

### Article IV Mary Jane Row Dog Park; Kinns Road Park

[Adopted 9-4-2001 by L.L. No. 11-2001]

#### § 92-18 Permit required.

[Amended 9-15-2008 by L.L. No. 6-2008]

- A. Anyone wishing to utilize the Mary Jane Row Dog Park may do so only after acquiring a permit from the Town Clerk's office. Users are required to abide by the rules and regulations associated with such a permit and issued by the Town Board from time to time. Fees charged for such permit shall be pursuant to a schedule approved by the Town Board from time to time. Fee schedules and copies of the rules and regulations shall be available from the office of the Town Clerk.
- B. Anyone wishing to utilize Kinns Road Park for the purpose of walking or exercising dogs off-leash may do so only after acquiring a permit from the Town Clerk's office. All users are required to abide by the rules and regulations associated with such a permit and issued by the Town Board from time to time, as well as any and all rules posted in Kinns Road Park. Fees charged for such permit shall be pursuant to a schedule approved by the Town Board from time to time. Fee schedules and copies of the rules and regulations shall be available from the office of the Town Clerk.
- C. All dogs at Kinns Road Park must be accompanied by and under the immediate supervision of the owner or other responsible person.
- D. Permits issued pursuant to this section shall be valid in both parks.

#### § 92-19 Enforcement.

A violation of this article shall be cited and enforced as otherwise provided in this Chapter 92 of the Town

Code.

§ 92-20 **Penalties for offenses.**

**[Amended 9-15-2008 by L.L. No. 6-2008; 12-20-2010 by L.L. No. 9-2010]**

A person convicted of violating this article shall be deemed to have committed a violation and shall be subject to the penalties provided for in § **92-15**.

## Article V **Injured Animals**

§92-21 In cases of Injured animals and pets seized under New York State Agriculture and Markets Rules and Regulations, 1 NYCRR Section 77.2 et seq. which required care and veterinary medicine due to injury or illness, the Animal Control Officer is authorized to seek restitution in an amount up to actual expenses incurred for such care at the Saratoga County Animal Shelter [OR WHEREVER...?]