

Chapter 67

ANIMALS

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[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Dogs

[Derived from Section 18 of the General Code of Ordinances]

§ 67-1. Vicious dogs; penalty.

- A. It shall be unlawful for any person to own, keep or harbor within the village any vicious dog, or any dog which is habitually quarrelsome with other dogs, or any dog known to have bitten more than one person or any person more than once if at the time of each bite the person who was bitten shall be peaceably conducting himself in any place where he may lawfully be.
- B. Any person violating any of the provisions of this section shall be a disorderly person, and such act shall constitute disorderly conduct punishable by a fine of not less than \$25 nor more than \$250.

§ 67-2. Dog bites; penalty.

Any person who is the owner of or who keeps or harbors any dog which shall bite a person who is peaceably conducting himself in any place where he may lawfully be shall be a disorderly person and such act shall constitute disorderly conduct punishable by a fine of not less than \$25 nor more than \$250.

§ 67-3. Dogs to be leashed; nuisances to be removed; penalty. [Amended 5-14-1979 by L.L. No. 1-1979]

- A. No person who is the owner of or who keeps or harbors any dog shall:
- (1) Permit or suffer such dog to be off such person's premises in the village without such dog's being held on a leash and under control within six feet of such person so as to prevent such dog from running at large off such person's premises; or
 - (2) Permit or suffer such dog to defecate on any sidewalk, driveway, street, public area, playground, school property or private property other than such person's premises; provided, however, that such defecation will not cause a violation of this subsection if such person immediately cleans up the dog's leavings and disposes of them in a proper manner.
- B. Any person violating any of the provisions of this section shall be punishable by a fine of not less than \$10 nor more than \$50 for a first offense, and not less than \$50 nor more than \$250 for any subsequent offense within a twelve-month period, except that such fines shall be doubled in the case of failure to clean up a dog's waste on school property. For purposes of this section, an offense shall be deemed to have been committed whenever a person has been served with an appearance ticket for a violation of any of the provisions of this section and the charge is not dropped or the person is not acquitted. [Amended 6-14-1993 by L.L. No. 1-1993]

ARTICLE II

Licensing of Dogs

[Adopted 12-13-2010 by L.L. No. 1-2011¹]

§ 67-4. Purpose and intent.

The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

§ 67-5. License requirements.

- A. Any dog harbored within the Village which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from the licensing and identification provisions of this article.
- B. All dogs within the Village 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 Village Clerk a dog license application, in the form provided by the Village Clerk, together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Village from time to time by resolution of the Village Board. Each license application shall be accompanied by proof that the

¹ Editor's Note: This article also superseded former § 67-4, License fees, as amended.

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 vaccination shall not be required. Each license issued shall be valid for a period of one year from the date of issuance of the certification of vaccination and shall not be transferrable.

- C. The Village authorizes the New Rochelle Humane Society acting by its manager to provide, accept and grant an application for a dog license made by a resident of Pelham Manor at the time of the adoption of a dog from the New Rochelle Humane Society, provided that such application is made in accordance with Subsection B of this section and the license fee, any additional fee and surcharge shall be remitted to the Village Clerk on or before the third day of the month following the month in which the license fee and additional fee and surcharge were received.

§ 67-6. Change of status.

- A. A license issued by the Village Clerk shall not be valid after the transfer of ownership of any dog, and the new owner shall be required to apply for and obtain a license.
- B. The owner of record shall be required to notify the Village Clerk within 10 days of the transfer of ownership or a change of address and shall be responsible for any violation of this article until the sooner of the filing of such notification or the licensing of the dog in the name of the new owner.
- C. If any licensed dog is lost or stolen, the owner of record shall, within 10 days, file a report with the Village Clerk and shall not be liable for any violation of this article after the filing of such report.

§ 67-7. Tag required.

Each dog licensed pursuant to § 67-5 of this article shall be issued an identification tag which shall be affixed to a collar worn by the dog at all times. No tag issued by the Village Clerk shall be affixed to any dog other than the dog to which the tag has been issued.

§ 67-8. Dog control officers.

Every member of the Pelham Manor Police Department is authorized to exercise all powers and duties of a dog control officer pursuant to the New York Agriculture and Markets Law, as may be amended from time to time.

§ 67-9. Impoundment.

- A. Any police officer may seize and impound a dog as provided for in the New York Agriculture and Markets Law, as may be amended from time to time.
- B. The owner of any dog impounded by the Village shall be entitled to redeem that dog within five business days (excluding the day the dog is impounded) from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee established by the Village Board:

- (1) A fee of \$25 for the first impoundment;
 - (2) A fee of \$50 for the first 24 hours or part thereof of the second impoundment within one year, and a fee of \$5 for each additional twenty-four-hour period or part thereof;
 - (3) A fee of \$100 for the first 24 hours or part thereof of a third and each subsequent impoundment within one year, and a fee of \$10 for each additional twenty-four-hour period or part thereof.
- C. Any dog not redeemed within five days shall be eligible for adoption, provided such dog is spayed or neutered prior to adoption.

§ 67-10. Violations.

- A. It shall be a violation, punishable as provided in Subsection B of this section, for:
- (1) Any owner to fail to license any dog;
 - (2) Any owner to fail to have any dog identified as required by this article;
 - (3) Any person to knowingly affix to any dog any false or improper identification tag or special identification tag for identifying guide, service or hearing dogs or purebred license tag;
 - (4) Any owner or custodian of any dog to fail to confine or restrain such dog or present such dog for any lawful purpose pursuant to this article or any provision of the New York Agriculture and Markets Law;
 - (5) Any person to furnish any false or misleading information on any form required to be filed with the Village pursuant to the provisions of this article or the New York Agriculture and Markets Law or rules and regulations promulgated pursuant thereto;
 - (6) The owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog; or
 - (7) Any owner of a dog to fail to notify the Village Clerk where his or her dog is licensed of any change of ownership or address as required by this article.
- B. A violation of any of the above shall be punishable either by criminal prosecution or civil penalty upon the election of the Village as follows:
- (1) Where prosecuted pursuant to the penal law, by a fine of not less than \$25, except that where the person was found to have violated this article or the New York Agriculture and Markets Laws within the preceding five years, the fine may be not less than \$50, and where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not less than \$100 or imprisonment for not more than 15 days, or both; or

- (2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than \$25, except that where the person was found to have violated this section or this article within the preceding five years, the civil penalty may be not less than \$50, and where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not less than \$100.

§ 67-11. Definitions.

All terms used in this article shall have the meaning assigned by the New York Agriculture and Markets Law, as may be amended from time to time.