

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

Article I Control of Dogs

[Adopted 6-7-1971 by L.L. No. 1-1971]

§ 18-1 Permitting dogs to commit certain acts prohibited.

It shall be unlawful for any owner of, or any person harboring, any dog whether licensed or unlicensed in the Town of Monroe to permit or allow such dog to:

- A. Run at large while off the owner's premises unless said dog is restrained by an adequate collar and leash or unless accompanied by its owner or a responsible person able to control the animal. For the purposes of this chapter, a dog or dogs hunting in company with a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so that it creates a noise disturbance that can be heard by any reasonable person of normal sensitivities in the immediate vicinity. For the purpose of this section, a "noise disturbance" shall be defined as that noise created by a dog barking, howling or whining that is plainly audible at any location within the immediate vicinity off the property of the owner of the dog's home, for a period of time as set forth below:
[Amended 4-25-2011 by L.L. No. 1-2011]
 - (1) At or after 7:00 a.m. and before 10:00 p.m. continuously for a period of 10 minutes or more.
 - (2) At or after 10:00 p.m. and before 7:00 a.m. continuously for a period of five minutes or more.
 - (3) At or after 10:00 p.m. and before 7:00 a.m. continuously for a period of one minute or more, between more than two such periods between 10:00 p.m. and before 7:00 a.m. in any period of 177 hours (seven, twenty-four hour periods plus an additional nine hours).
- C. Cause damage or destruction to property, or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog.
- D. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E. Habitually chase or bark at motor vehicles.

§ 18-2 Female dogs in heat not to run at large.

[Amended 5-1-1978 by L.L. No. 4-1978]

It shall be unlawful for the owner or person harboring any female dog to permit such dog to run unrestrained by an adequate leash or collar when in heat.

§ 18-3 Administrative official.

[Amended 7-21-1980 by L.L. No. 4-1980; 4-25-2011 by L.L. No. 1-2011]

This chapter shall be administered by a Dog Control Officer pursuant to the Agriculture and Markets Law or, in lieu thereof, by any incorporated society for the prevention of cruelty to animals or similar incorporated dog protective association with whom the Town of Monroe shall have contracted pursuant to the Agriculture and Markets Law or otherwise pursuant to local law.

§ 18-4 Method of filing complaints.

[Amended 4-25-2011 by L.L. No. 1-2011]

Any person who observes a dog causing damage or destruction to the property of a person other than its owner, or committing a nuisance upon the premises of a person other than its owner, or who is subjected to habitually loud or annoying barking, or who shall be subject to or observe a dog otherwise harassing any person or persons or otherwise acting in violation of this chapter, may file a signed complaint, under oath, with a Town Justice of the Town of Monroe, specifying the objectionable conduct of the dog, the date thereof, the damage caused (which damage may include but is not necessarily limited to habitually loud or annoying barking, howling, crying or whining, as well as any other types of damage), a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

§ 18-5 Summons of alleged owner complained against.

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him; and if the summons is disregarded, the Town Justice may permit the filing of an information and issue a warrant for the arrest of such person.

§ 18-6 Use of appearance ticket. ^[1]

[Added 4-5-1976 by L.L. No. 1-1976^[2]; amended 7-21-1980 by L.L. No. 4-1980; 4-25-2011 by L.L. No. 1-2011]

The Dog Control Officer or any person authorized by an incorporated society for the prevention of cruelty to animals with whom the Town has contracted pursuant to law, having reasonable cause to believe that a person has violated this chapter, shall issue and serve upon such person an appearance ticket for such violation. The appearance ticket shall be in a form with the applicable terms of the Criminal Procedure Law.

[1] *Editor's Note: See also Ch. 2, Appearance Tickets.*

[2] *Editor's Note: This local law renumbered former §§ 18-6, 18-7, 18-8 and 18-9 as §§ 18-7, 18-8, 18-9 and 18-10, respectively. These sections had previously been renumbered by L.L. No. 3-1975.*

§ 18-7 Penalties for offenses.

[Amended 6-5-1972 by L.L. No. 6-1972; 4-5-1976 by L.L. No. 1-1976; 7-21-1980 by L.L. No. 4-1980; 4-25-2011 by L.L. No. 1-2011]

Any person convicted of a violation of this chapter, or of any provisions hereof, shall be deemed to have committed a violation, and any person convicted of such violation shall be liable to a fine of not less than \$25 and not more than \$250.

§ 18-8 Redemption period; boarding costs; notice.

[Added 8-4-1975 by L.L. No. 3-1975; amended 7-21-1980 by L.L. No. 4-1980; 7-12-1982 by L.L. No. 1-1982; 4-25-2011 by L.L. No. 1-2011]

The period within which an owner may redeem his dog which has been impounded under the provisions of this chapter or § 117 of the Agriculture and Markets Law shall be five days from the date of mailing notice of such impoundment.

- A. Before redemption of any dog seized and impounded by reasons of this chapter or the Agriculture and Markets Law, the person making such redemption shall pay the redemption fees set forth by resolution of the Town Board of the Town of Monroe. In the event such fees exceed any maximum amount otherwise permitted by the Agriculture and Markets Law, such maximum fees as provided by the Agriculture and Markets Law shall apply. If the Dog Control Officer or an appropriate official of an incorporated society for the prevention of cruelty to animals or similar association with whom the Town has contracted pursuant to the Agriculture and Markets Law shall determine that such redemption fees do not cover the actual cost of boarding an impounded dog, he or she shall be entitled to charge, in addition thereto, an amount necessary to cover the actual cost of boarding an impounded dog.
- B. In addition to any notification given to an owner or other person by mail of the seizure and impoundment or of the unlicensed status of a dog, the Dog Control Officer or an appropriate official at an incorporated society for the prevention of cruelty to animals or association with whom the Town has contracted pursuant to the Agriculture and Markets Law may utilize any other method of giving such notice, including telephone notice.

§ 18-9 Seizure of dogs found running at large.

[Amended 7-21-1980 by L.L. No. 4-1980; 7-12-1982 by L.L. No. 1-1982]

Any dog found running at large in violation of this chapter or which is not licensed, whether on or off the owner's premises, may be seized and impounded and may be destroyed as provided for by law if unredeemed, except that the redemption period now set forth in law may be extended by the Dog Control Officer or person authorized by a society for the prevention of cruelty to animals with which the Town has contracted pursuant to law, in the discretion of such officer, when he so deems necessary under the circumstances.

§ 18-10 Enforcement expenses to be general Town charge.

[Amended 7-21-1980 by L.L. No. 4-1980; 4-25-2011 by L.L. No. 1-2011]

The consideration to be paid to a Dog Control Officer or humane society by the Town of Monroe shall be a general Town charge; provided, however, that the fees otherwise chargeable for the services provided by the Dog Control Officer, and payable by the owner(s) of a dog, as otherwise provided for in the Town Code of the Town of Monroe shall be payable by such person(s).

Article II Licensing of Dogs

[Adopted 11-22-2010 by L.L. No. 6-2010]

§ 18-11 Legislative purpose.

The legislative purpose of this article is to provide for the licensing and identification of dogs. Effective January 1, 2011, the State of New York has relinquished the responsibility of dog licensing function to local municipalities and eliminated the Animal Population Control Fund. Local municipalities will now be required to adopt legislation relating to this issue.

§ 18-12 Definitions.

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

ADOPT

The delivery to any natural person 18 years of age or older, for the purpose of harboring a dog, seized or surrendered, from the Town's animal shelter.

ANIMAL/DOG CONTROL OFFICER

Any individual appointed by the Town Board to assist in the enforcement of this article.

CLERK

The Town Clerk, or Deputy Town Clerk, of the Town of Monroe, where licenses are to be validated or issued.

DETECTION DOG

Any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG

Any member of the species canis familiaris.

ENUMERATION

The act by the Town of Monroe of determining the number of dogs in the Town of Monroe which are owned by an owner who is a resident of the Town of Monroe. An enumeration shall be conducted by the Clerk with the consent of the Town Board.

GEESE DOG

Any dog that is trained to aid the Animal/Dog Control Officer in the control of geese within the boundaries of the Town.

GUIDE DOG

Any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred.

HARBOR

To provide food or shelter to any dog.

HEARING DOG

Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

IDENTIFICATION TAG

A tag which sets forth an identification number, as required by the provisions set forth in this article.

TOWN

Town of Monroe, including incorporated areas.

OWNER

Any person who harbors or keeps any dog.

PERSON WITH DISABILITY

Any person with a disability as that term is defined in Subdivision 22 of § 292 of the New York State Executive Law.

POLICE WORK DOG

Any dog owned or harbored by any municipality police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

SENIOR RESIDENT

Any resident of the Town age 65 or older.

SERVICE DOG

Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

THERAPY DOG

Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

WAR DOG

Any dog which has been honorably discharged from the United States Armed Services.

WORKING SEARCH DOG

Any dog that is trained to aid in the search for missing persons and is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

§ 18-13 Dog licensing requirements/procedures.

A. Licensing of dogs.

- (1) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance. Renewal shall be for a minimum of one year and shall not exceed three years, based on the validation term of the rabies vaccination.
- (2) Application for a dog license shall be made to the Clerk.
- (3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and official identification number of the dog, and other identification markers, if any, and the name, address, telephone number, county and Town of residence of owner.
- (4) The application shall be accompanied by a license fee as listed below and a valid certificate of rabies vaccination or statement in lieu thereof. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided such certificate shall not be required if the same as already on file with the Clerk.
- (5) Fees.
 - (a) The fees for a dog license shall be as follows:
 - [1] Unspayed/unneutered dog: \$20 per year, (includes state mandated surcharge of \$3).
 - [2] Spayed/neutered dog: \$10 per year (includes state mandated surcharge of \$1).
 - (b) There shall be no fee charged for the license issued for any detection dog, geese dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog or working search dog; and any dog owned by a senior resident.
- (6) Upon validation by the Clerk, the application shall become a license for the dog describing therein. Once an application has been validated, no refund shall be made.
- (7) The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.
- (8) No license shall be transferrable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.
- (9) No dog can be adopted out of the Town's animal shelter without first obtaining a license from the Clerk.

B. Purebred licenses. There will not be distinct purebred licenses as previously provided for by the state. Any and all existing purebred licenses will now be required to comply with § 18-13A of this article.

C. Rabies vaccination. The Clerk, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk shall make or cause to be made from such statement a record of such information and file such record with a copy of the license.

D. Enumeration. In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay a fee of \$5. Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the Town for any other lawful purpose.

§ 18-14 Identification of dogs.

- A.** Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent official identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times.
- B.** The official Identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- C.** At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee of \$3.
- D.** No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
- E.** The identification tag shall be imprinted with the "Town of Monroe," a unique identification number, and the telephone number of the Town Clerk's office.

§ 18-15 Change of ownership, lost or stolen dogs.

- A. In the event of a change in ownership of any dog which has been assigned an official identification number or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Clerk.
- B. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Clerk.
- C. In the case of a dog's death, the owner of record shall so notify the Clerk either prior to renewal of license or upon the time of such renewal.

§ 18-16 Penalties for offenses.

- A. It shall be a violation, punishable as provided in Subsection B of this section, for:
 - (1) Any owner to fail to license a dog;
 - (2) Any owner 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, special identification tag for identifying guide, service or hearing dogs.
- B. Violations of this article shall be subject to a fine, not to be less than \$25, except that:
 - (1) Where the person was found to have violated this article within the preceding five years, the fine may not be less than \$50; and
 - (2) Where the person was found to have committed two or more violations of this article within the preceding five years, the fine may not be less than \$100.