

TOWN OF KEENE
LOCAL LAW __ FOR 2024

A Local Law relating to the keeping or running at large of dogs and the seizure thereof within the Town of Keene.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF KEENE as follows:

SECTION 1. PURPOSE

The Town of Keene, New York finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this Local Law 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.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the provisions of the New York State Agriculture and Markets Law and the New York State Municipal Home Rule Law.

SECTION 3. TITLE

The title of this local law shall be: "Comprehensive Dog Control Law of the Town of Keene."

SECTION 4. DEFINITIONS

As used in this local law, the following words shall have the following respective meanings:

(a) "Owner" means any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town, unless dog has been lost and such loss was promptly reported to the Town of Keene Dog Control officer and a reasonable search has been made to find the owner. Any person owning

or harboring a dog for a period of one week prior to filing any complaint charging a violation of this local law, shall be held in and deemed to be the owner of any dog found to be in violation of this local law. In the event any dog found in violation of this ordinance shall be owned by a person under eighteen 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).

(b) “Harbor” means to provide food or shelter to any dog.

(c) “At large” means 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) held on a leash not exceeding twelve (12) feet in length (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

(d) “Town” means the area within the unincorporated village limits of the Town of Keene and shall apply to all those areas of Town of Keene.

(e) “Recreational Area” means any real property owned by the Town of Keene which is used for recreational purposes by the public including, but not limited to, parks or play grounds.

(f) “School Premises” means any real property situated within the Town of Keene which is used for educational purposes or purposes incidental thereto.

(g) “Dog Control Officer” means any person authorized by the Town of Keene or the Town Board of the Town of Keene from time to time to enforce the provisions of this Local Law or the provisions of the Agriculture and Markets Law.

(h) “Dog” means any Male, female, neutered or unneutered, licensed or unlicensed, members of the species *Canis familiaris*.

SECTION 5. Prohibited Conduct

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Keene, to:

(1) be at large;

- (2) cause damage or destruction to property;
- (3) chase or harass any person in such a manner as reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury;
- (4) habitually chase or run alongside of motor vehicles or bicycles;
- (5) deposit waste or commit a nuisance on the private property of a person, corporation or other entity other than that of the owner of the dog, save instances where the same is done with the consent of the owner of said property; or
- (6) be at large on any school premises or recreational areas, or the sidewalks adjacent thereto, or any property owned or controlled by the Town of Keene except were specifically authorized by the Town of Keene.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by section 5 of this Local Law shall be presumptive evidence against the owner or harborer of such dog that he has failed to properly confine or control his dog.

SECTION 6. ENFORCEMENT

This Local Law shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Keene.

SECTION 7. SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION

- (a) Any dog found in violation of the provisions of section 5 of this Local Law may be seized pursuant to the provisions of Section 117 and Section 118 of the Agriculture and Markets Law.
- (b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law. Impoundment fees shall be established by resolution of the Town Board. The fees in section may be periodically reviewed by the Town Board and may be changed by a resolution of the Town Board, if deemed necessary.

(c) 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 Section 117 and Section 118 of said Article.

(d) Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

(e) No action shall be maintained against the Town of Keene, any dog control officer or peace officer when acting pursuant to his special duties, or any other agent or officer of the Town or person under contract to said Town of Keene, to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law or the Agriculture and Markets Law.

(f) The seizure of any dog or its redemption shall not relieve any person from any violation of this law or penalty described herein.

Section 8. Disposal of Waste Not on Private Property.

(a) It shall be the duty of each dog owner or person having possession, custody or control of a dog to remove any feces left by their dog on any sidewalk, gutter, street or other public area.

(b) Section 8 of this Local Law shall not apply to a guide dog, hearing dog, or service dog accompanying any person with a disability as defined in Section 292(21) of the Executive Law of the State of New York.

(c) The Town of Keene reserves the right and shall have the authority to promulgate and adopt rules and regulations to carry out the intent and purpose of this Local Law. Said rules and regulations may supplement, modify and/or amend the express provisions hereof.

(d) This section shall be construed to operate in the same manner as § 1310 of the New York State Public Health Law.

Section 9. Leash

- (a) No owner, custodian, or person who keeps, harbors, or otherwise has charge of any dog shall cause or permit such dog to be on any street or other public place in the Town of Keene unless such dog is held on a leash not exceeding twelve (12) feet in length; except on the premises of the person who owns, keeps, or harbors or otherwise has the care or custody of such dog, or except on the premises of another person with the knowledge and consent of such other person; or except on property owned and designated by the Town of Keene for such purposes.
- (b) No person shall remove or cause to be removed from any dog, its harness or leash or entice any dog out of any enclosed house or grounds of the owner or harborer, or harbor;
- (c) Any dog control officer, peace officer, constable, police officer, or other authorized individual acting pursuant to special duties, in the employ of or under contract of the Town of Keene having reasonable cause to believe that a person has violated this ordinance shall issue and serve upon such person an appearance ticket for such violation.

Section 10. Licensing of Dogs

- (a) All dogs in the Town of Keene shall be licensed with the Town Clerk by the age of four months and are required to present a current Certificate of Rabies Vaccination at of licensing or renewal of an existing license. A vaccination for rabies shall not be required if said would endanger the dog's life. A written statement from a duly licensed veterinarian indicating that a rabies vaccination would endanger the dog's life must be presented to at the time of licensing to be exempt from the licensing requirement of this local law.
- (b) All dogs licenses will be for a period of one year and will expire at the end of month one year from the date of issue. Each licensed dog will receive a Municipal Identification Tag from the Town clerk
- (c) Fees for Licensing Dogs: The fee for a sprayed or neutered dog, unspayed or unneutered dog shall be established by resolution of the Town Board.
- (d) The fees in section 10(c) of this local law may be periodically reviewed by the Town Board and may be changed by a resolution of the Town Board, if deemed necessary.

(e) Purebred Licenses: The Town of Keene shall not issue purebred or kennel licenses.

(f) Service Dogs: The Town of Keene shall not require a license for any guide dog, service dog, hearing dog or detection dogs as defined by the Agriculture and Markets Law Section 110.

(g) All dog licenses may be purchased at the Town of Keene offices during regular business hours.

(h) Shelters are prohibited from licensing dogs.

(i) All dog licensing fees collected by the Town shall be used to fund the administration of this local law.

SECTION 11: Shelter for Dogs

Shelter for Dogs: No person owning or responsible for confining or impounding any dog shall fail to provide the dog with proper shelter, protection from the weather or humanely clean conditions as prescribed below:

(a) Minimum indoor standards for shelter shall be as follows:

(1) The ambient temperature shall be compatible with the health of the dog.

(2) Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the dog at all times.

(3) Cage confinement of dogs is abnormally restrictive and stressful and is only acceptable for temporary confinement. Dogs shall not be confined except upon veterinary advice, transport or for other professionally accepted practices. Dogs kept in cages for the above reasons shall be removed from them and exercised a minimum of twice a day - once in the morning and once in the afternoon.

(b) Minimum outdoor standards for shelter shall be as follows:

(1) When sunlight is likely to cause heat exhaustion of a dog tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the dog from direct sunlight.

(2) Shelter from inclement weather shall have an area within to afford the dog the ability to stand up, turn around and lie down, and be proportioned size as to allow a dog's natural body heat to be retained. The shelter must provide protection from the weather, i.e. sun, wind, precipitation (in whatever form), or other inclement weather conditions. On dog houses specifically, rugs shall be maintained across doorways and the shelter shall contain bedding.

(3) No dog may be confined in a building, enclosure, car boat, vehicle or vessel of any kind when extreme heat or cold will be harmful to its health.

(4) Dogs shall be allowed to have exercise and have freedom of movement necessary to reduce stress and maintain good physical condition. Space and provisions for exercise must be appropriate for the species and sufficient to meet the needs of the dog.

(5) Plastic shipping containers and/or pet carriers shall not be used as outdoor shelters.

(c) The minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize health hazards. Space available to the Dog must be usable, i.e. maintained in a safe and healthful manner and be free of standing water, accumulated waste and debris.

SECTION 12. COMPLAINT

(a) Any person who observes a dog in violation of this Local Law may file a complaint with any dog control officer of the Town of Keene specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.

(b) Upon receipt by the Town justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such Hearing, the Town Justice decides that further action is warranted, he may order:

1. The dog to be declared a vicious or dangerous dog to be restrained by collar and leash at all times whether on or off the owner's property.

2. The dog to be confined to the premises of the owner.

3. Such other remedy as may be warranted by the circumstances in such case.

(c) A violation of any Order issued by the Town Justice under the provisions of this Section 12 shall be an offense punishable, upon conviction thereof, as provided in Section 14 of this Local Law.

SECTION 13. APPEARANCE TICKET

Any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Keene, having reasonable cause to believe that a person has violated this Local Law or observing a violation of this Local Law in his presence may issue and serve upon such person an appearance ticket for such violation.

SECTION 14. PENALTIES

Any person convicted of a violation of this Local Law shall be deemed to have committed a violation and shall be subject to a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days. The continuation of a violation of this Local Law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

SECTION 15. SEPARABILITY

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 16. REPEALER

This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the harboring or keeping of any dog within the Town of Keene and they shall be, upon the effective date of this Local Law, null and void, except for Town of

Keene Local Law #1- 2001 “Animal and Dog Shelter Local Law # 1 of the Town of Keene for the year 2001”, which shall remain in full force and effect.

SECTION 17. EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing of the same in the office of the Secretary of State of the State of New York.