

Town of Hopewell – Local Law 4-1990 – Dog Control

Section 1: TITLE

This Local Law shall be known and may be cited as the Dog Control Local Law of the Town of Hopewell.

Section 2: PURPOSE

The purpose of this Local Law shall be to preserve the public peace and good order in the Town of Hopewell and to contribute to the public welfare, safety and good order of its people by enforcing certain restrictions on the activities of dogs, consistent with the rights and privileges of the owners of dogs and of the other citizens of the Town of Hopewell.

Section 3: DEFINITIONS

A. At large: Any dog shall be deemed to be at large if not accompanied by a person who

1. is in full control of the dog, or
2. is providing restraint of the dog by secure leash or lead, or
3. has confined the dog to an enclosure, such as a cage or motor vehicle, in such a manner that the dog may not roam freely upon public or private lands

elsewhere than on the premises of the owner or on the premises of another responsible person who has knowledge of the dog's presence and who assents thereto.

B. Dog: Any member of the species canis familiaris.

C. Owner: Any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors under eighteen years of age shall be deemed to be in the custody and control of parents or other heads of the households where the minors reside. Any person harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this Local Law shall be deemed to be the owner of the dog for the purposes of this Local Law.

Section 5: RESTRICTIONS

A. No person shall permit a dog to be at large within the limits of the Town of Hopewell.

B. No dog shall be at large within the limits of the Town of Hopewell.

C. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

Town of Hopewell – Local Law 4-1990 – Dog Control

Section 6: ENFORCEMENT

A. Enforcement officers: The provisions of this Local Law may be enforced by any person, municipality, or organization for the prevention of cruelty to animals, appointed by law by or pursuant to contract with the Town of Hopewell.

B. Appearance tickets and process: Any person or entity authorized to enforce this Local Law may issue appearance tickets therefor, pursuant to the Criminal Procedure Law, may issue said tickets for any violation of Article 7 of the Agriculture and Markets Law of the State of New York, and is hereby authorized to serve any process relating to any proceeding, whether civil or criminal in nature, in accordance with the provisions of this Local Law. In the event an appearance ticket is unanswered, the Justice Court shall permit the filing of an information from the appropriate enforcement person and issue a warrant of arrest for the alleged violator.

C. Seizure: Any dog found to be at large in the Town of Hopewell shall be seized, and properly fed and cared for, until redeemed or disposed of in accordance with the provisions of the Agriculture and Markets Law. Each such dog shall be held for a period of five to nine days, in accordance with the provisions of section 228 of the Agriculture and Markets Law. Upon presentation of a valid license, and upon payment of the impoundment fees established by the aforesaid section, an owner may redeem such dog. In the event a dog is not redeemed within the statutory time period, an owner forfeits title to said dog, which shall then be made available for adoption or euthanized in accordance with law. The seizure of any dog shall not relieve any person or prosecution for violation of this Local Law.

D. Commencement of proceedings: Any person found to have permitted any dog to be at large in the Town of Hopewell shall be issued an appearance ticket for violation of this Local Law, and shall be prosecuted in the manner herein provided.

E. Prosecution of Violations: Pursuant to the Penal Law of the State of New York, a violation of this Local Law shall be punishable by a fine of not more than twenty-five dollars, except that 1) where the person was found to have violated this Local Law or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may be not more than fifty dollars, and 2) 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 more than one hundred dollars or imprisonment for not more than fifteen days, or both.

Section 6: SEVERABILITY

If any part of this Local Law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Local Law.

Section 7: EFFECTIVE DATE

This Local Law shall take effect September 1, 1990, or thirty days after the adoption thereof, whichever last occurs.

Town of Hopewell – Local Law 4-1990 – Dog Control

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1990 of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of Hopewell was duly passed by the Town Board (Name of Legislative Body) on September 19 1990 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, or repassage after disapproval.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of was duly passed by the (Name of Legislative Body) on 19 ~~not disapproved and was approved~~ ~~repassed after disapproval~~ by the Elective Chief Executive Officer* and was deemed duly adopted on 19, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of was duly passed by the (Name of Legislative Body) on 19 ~~not disapproved and was approved~~ ~~repassed after disapproval~~ by the Elective Chief Executive Officer* on 19 Such local law was submitted to the people by reason of a ~~mandatory~~ ~~permissive~~ referendum, and received the affirmative vote of a majority of the qualified electors voting ~~general~~ ~~special~~ ~~annual~~ thereon at the ~~general~~ ~~special~~ ~~annual~~ election held on 19, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of was duly passed by the (Name of Legislative Body) on 19 ~~not disapproved and was approved~~ ~~repassed after disapproval~~ by the Elective Chief Executive Officer* on 19 Such local law was subject to a permissive referendum and ~~no valid petition requesting such referendum was filed as of 19~~ ~~in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

Town of Hopewell – Local Law 4-1990 – Dog Control

5. (City local law concerning Charter revision proposed by petition)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of having been submitted to referendum pursuant to the provisions of ~~§36~~^{§37} of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ~~special~~^{general} election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.


Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 2, 1990

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Saul D. Moshenbeger
Town Attorney
Title

Date: October 1, 1990

County: Hopewell
Town of Hopewell
Village: