

*Town of Newburgh, NY
Friday, October 22, 2021*

Chapter 56. Animals

Article I. Dog Control

[Adopted 11-6-1995 by L.L. No. 7-1995]

§ 56-1. Title.

This article shall be known as the "Dog Control Ordinance of the Town of Newburgh" and shall apply to the entire Town of Newburgh.

§ 56-2. Purpose.

The purpose of this article is to preserve the public peace and tranquility in the Town of Newburgh and to adopt and enforce certain regulations and restrictions on the activities of dogs and owners of dogs for the preservation and protection of the property and the persons and inhabitants of the Town of Newburgh.

§ 56-3. Definitions.

As used in this article, unless the context or subject matter otherwise requires, 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.
[Added 11-15-2010 by L.L. No. 9-2010]

ANIMAL CONTROL OFFICER

A person or persons appointed by the Town of Newburgh for the purposes of enforcing this article and Article 7 of the Agricultural and Markets Law of New York State.

AT LARGE

Any unleashed dog off the premises of the owner and on property open to the public or 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 "at large" if it is:

- A. A police work dog in use for police work; or
- B. Accompanied by its owner or other responsible person and actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

CLERK

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

[Added 11-15-2010 by L.L. No. 9-2010]

DANGEROUS DOG

Includes any dog which, at any time, bites, attacks, chases or snaps at or otherwise threatens to attack any person who is peaceably conducting himself/herself or attacks and wounds a domestic animal in any place where such person or animal may lawfully be.

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.

[Added 11-15-2010 by L.L. No. 9-2010]

DOG

Both male and female dogs and shall include the singular and plural.

DOGHOUSE

An enclosed shelter that provides protection from the elements for a dog.

DOG SHELTER

An establishment for the confinement of dogs seized either under the provisions of this article or otherwise.

GUARD DOG

Any dog trained or used (solely) for the purpose of protection of people, premises and/or business.

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.

[Added 11-15-2010 by L.L. No. 9-2010]

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.

[Added 11-15-2010 by L.L. No. 9-2010]

IDENTIFICATION TAG

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

[Added 11-15-2010 by L.L. No. 9-2010]

LEASHED

Restrained by a leash attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER

Any person having a right of property in, harboring or keeping a 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.

[Added 11-15-2010 by L.L. No. 9-2010]

POLICE WORK DOG

Any dog owned or harbored by any municipal 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.

[Added 11-15-2010 by L.L. No. 9-2010]

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.

[Added 11-15-2010 by L.L. No. 9-2010]

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.

[Added 11-15-2010 by L.L. No. 9-2010]

TOWN

The Town of Newburgh.

[Added 11-15-2010 by L.L. No. 9-2010]

WAR DOG

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

[Added 11-15-2010 by L.L. No. 9-2010]

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.

[Added 11-15-2010 by L.L. No. 9-2010]

§ 56-4. Control of dogs; posting of guard dog premises.

A. It shall be a violation of this article for any owner of any dog to permit or allow such dog to:

(1) Run at large in any street, public park or public place unless restrained by a chain or leash not exceeding six feet in length and in charge and under the control of a responsible person. Any dog not so restrained found off the owner's premises shall be seized by the Animal Control Officer. Proof that a dog has been in a public park or public street unleashed will be prima facie evidence of a violation of this article by the person owning or harboring said dog. Any dog restrained by a chain or a leash not in control of a person shall be restrained by said leash or chain so as to not go nearer than 15 feet from any perimeter property line of the owner. Any dog not so restrained on the owner's premises or found off the owner's premises shall be subject to seizure by the Animal Control Officer.

[Amended 9-15-1997 by L.L. No. 6-1997]

(2) Engage in habitual loud howling, barking, whining or cause disturbing noises or to conduct itself in such a manner as to habitually annoy any person other than the owner or harborer of the dog. In the event that the barking or disturbing noise continues for a period of 15 minutes in a continuous or substantially continuous manner, the owner of the dog or the individual harboring said dog shall be subject to a fine or penalty as hereinafter set forth.

(3) Cause damage or destruction to property of a person other than the owner of such dog or commit a nuisance by defecating or urinating upon the premises of a person other than the owner or harborer of the dog.

- (4) Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation, whether restrained by a leash or otherwise or to put such a person in reasonable apprehension of bodily harm or injury.
[Amended 9-15-1997 by L.L. No. 6-1997]
 - (5) Habitually chase, leap on or otherwise harass bicycles or motor vehicles.
 - (6) Kill or injure any dog, cat or other household pet.
 - (7) Be over six months of age and not vaccinated against the rabies virus.
- B. Persons or corporations owning a guard or watch dog must post on all gates and entrances to the property and post in other conspicuous places signs which specifically state that there is a guard or watch dog on the premises.

§ 56-5. Keeping of dogs; shelter; safety.

- A. It shall be a violation of this article for any owner of any dog to permit or allow the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.
- B. Dogs that are kept out-of-doors shall be provided with an enclosed shelter or doghouse constructed of wood and having three sides, a floor and a roof. The front of the doghouse shall be constructed with an opening of sufficient size as to allow the dog to enter but shall not be completely open. During the winter months, said doghouse shall be provided with hay or other material, to be placed inside said doghouse, which material shall be replaced as needed. A doghouse shall be provided for each dog that is at the dog owner's residence.
- C. No puppy under the age of six months shall be kept outside during the winter months on a permanent basis.
- D. No person shall breed or attempt to breed or aid or abet the breeding of any dog in any public place within the Town or any place within the Town not entirely enclosed and completely screened from observation within the enclosure. Any female dog that is in season (heat) shall not be left outside unattended unless said dog is kept in an enclosed kennel so as to prevent said dog from becoming loose and also to prevent any male dog from harassing said female dog while in season.
- E. No dog or any other animal shall be left completely enclosed in a parked vehicle without adequate ventilation or in such a way as to subject the animal to temperatures sufficiently above the surrounding atmosphere which would affect the animal's health and welfare. If any such animal is deemed to be in distress, it may be removed from said vehicle to prevent further risk to its health.
- F. No dog or any other animal shall be transported on any public thoroughfare in any external part of any automobile or truck unless such dog or animal is totally enclosed within such vehicle, within a secured container carried upon the vehicle or securely cross-tethered to such vehicle in such a way as to prevent falling out of or off such vehicle and to prevent injury to the animal. No dog or any animal shall be transported in the trunk of any vehicle.

§ 56-6. Dangerous dogs.

Any person owning a dog that has been found to be dangerous by a Town Justice under § 121 of the Agriculture and Markets Laws of New York State and ordered by the court to be confined shall adhere to the following restrictions unless otherwise ordered by the court. Failure to adhere to these restrictions will result in said dog being seized whether on or off the owner's property and euthanized and buried by a local veterinarian at the dog owner's expense.

- A. Said dangerous dog, when outside of the owner's dwelling, shall be securely confined within an enclosed structure no smaller than 6 feet by 6 feet by 12 feet. Said structure will be enclosed on

four sides and top. The floor area of said enclosure shall be concrete or other type of material so as to prevent the dog from escaping by digging out, etc. The door, gate or other means of entry or egress shall be provided with a lock or other device which cannot be opened by the dog. In addition to preventing the dog from escaping, the enclosure must prevent children or adults, other than owner of said dog, from gaining entry.

- B. The yard, house or apartment in which the dangerous dog is confined or housed shall be posted (tagged) with a conspicuous notice(s) or sign(s) using the words "Beware of Dog" that warns the public of the nature of the animal which is confined. The sign shall be displayed on the front and rear of the property and at a side gate(s) or entrance(s). A similar sign should be posted or adjacent to the front door. The lettering of the prominent and conspicuous warning or notice should be at least two inches in height.
- C. Said dangerous dog, when outside the owner's dwelling or confinement, shall be led by a chain or leash not exceeding six feet in length and under the control of a responsible person capable of controlling said dog.
- D. Said dangerous dog shall be muzzled when off the owner's property.
- E. The owner of said dangerous dog shall enroll said dog in an obedience course. The dog must complete such course within 30 days of the court's order. A certificate shall be presented to the Town of Newburgh upon completion of said obedience course.
- F. The owner of said dangerous dog shall notify the Town of Newburgh Animal Control Department immediately in the event that said dog escapes, bites another animal and/or human, dies or has a change of address.
- G. Said dangerous dog shall be spayed or neutered within 30 days of the court's order, and proof of the same must be presented to the Town of Newburgh Animal Control Department.

§ 56-7. (Reserved)

- [1] *Editor's Note: Former § 56-7, Licensing of dogs; tags, as amended, was repealed 11-15-2010 by L.L. No. 9-2010.*

§ 56-8. Seizure and impoundment; redemption or adoption.

- A. Any such dog which shall be in or upon any public street, avenue, road or highway or in any public place or which shall run at large in said Town in violation of this article may be taken into custody and impounded and thereafter redeemed, adopted or destroyed in accordance with the procedure set forth.
- B. After any such seizure and impounding, the owner of such animal, if known, may be notified thereof. Such dog so seized and impounded shall be held for a period of from five to 10 days. The owner of said dog may redeem the dog by producing a license for such dog and by paying a redemption fee as established by Chapter 104, Fees, and all costs incurred by the Town for the seizure and impounding of such dog while in custody. Upon the seizure of an identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner.
[Amended 11-6-1995 by L.L. No. 7-1995]
- C. If any dog impounded is not redeemed as provided in this section, any licensed veterinarian designated for the purpose may euthanize such dog.

- D. If said unidentified dog is not redeemed by its owner after five days, said dog may be available for adoption by any responsible or proper person upon purchase of a dog license and payment of adoption fees as established by Chapter **104**, Fees. If said identified dog is not redeemed by its owner after the specified period, said dog may be available for adoption by any responsible or proper person upon purchase of a dog license and payment of adoption fees.
- E. For all male and female dogs that are adopted, the owner must furnish proof from a veterinarian to the Animal Control Department that the male or female dog will have been spayed or neutered within three months or by the sixth-month birthday, whichever comes first, following release and delivery. Failure to comply will result in said dog being seized by the Town of Newburgh Animal Control Department, and title of ownership will be forfeited and the dog will become the property of the Town of Newburgh Animal Control Department, to either adopt or euthanize.

§ 56-9. Penalties for offenses.

Any person who violates this article or knowingly permits the violation of this article or any of its provisions or who shall molest, obstruct or interfere with the Animal Control Officer while engaged in the enforcement of this article shall be deemed to have committed an offense against this article, and any person convicted of any such violation shall be liable to the following fines:

- A. No less than \$25 nor more than \$100 and/or imprisonment for not more than 15 days for the first violation.
- B. No less than \$50 nor more than \$100 and/or imprisonment for not more than 15 days for a second violation within five years.
- C. No less than \$75 nor more than \$100 and/or imprisonment for not more than 15 days for the third and subsequent violations within five years.

§ 56-10. Filing of complaints.

[Amended 6-11-2018 by L.L. No. 8-2018]

Any person who observes a dog in violation of this article may file a complaint under oath as defined by § 210.00 of the Penal Law of the State of New York or by written instrument bearing a notice that false statements therein are punishable under § 210.45 of the Penal Law with the Animal Control Department of the Town of Newburgh 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 article.

§ 56-11. Appearance tickets.

- A. Any Animal Control Officer employed by the Town of Newburgh observing a violation of this article in his presence or upon obtaining a written complaint under § **56-10** above may in his or her discretion issue and serve upon such person an appearance ticket for such violation.

[Amended 12-20-2004 by L.L. No. 9-2004]

- B. In case of violation of § **56-5A, B, C** or **D** above and § 119, Subdivision 1(a), of the Agriculture and Markets Law, an order to remedy the violation will be served along with an appearance ticket. The owner of said animal will be given seven days in which to remedy the violation. An additional appearance ticket can be issued after this seven-day period if the violation still exists, and additional appearance tickets can be issued accordingly until the violation is corrected.

*Town of Newburgh, NY
Friday, October 22, 2021*

Chapter 56. Animals

Article II. Population Control

[Adopted 12-29-2001 by L.L. No. 8-2001]

§ 56-12. Title.

This article shall be entitled: "Local Law for Animal Population Control Program in the Town of Newburgh."

§ 56-13. Purpose and intent; program to spay/neuter stray cats.

- A. This article is adopted pursuant to the authority set forth in § 117 of the Agriculture & Markets Law of the State of New York for the purpose of establishing and implementing an animal population control program in the Town of Newburgh to reduce the population of unwanted and stray cats; to reduce the potential threats to the public health and safety posed by a large population of stray cats. This article seeks to accomplish its purpose by encouraging residents of the Town of Newburgh to participate in providing low-cost spaying and neutering services as outlined in the provisions of the New York State Agriculture and Markets Law. This article authorizes the Town Board of the Town of Newburgh to contract with a not-for-profit organization to be selected by the Town Board to provide spay/neutering services and to encourage the residents of the Town of Newburgh, through voluntary contributions, to establish a segregated fund in the Town of Newburgh to be used exclusively to spay/neuter stray cats in the Town of Newburgh. The Town Board deems it is in the public interest to prevent increase in the population of diseased cats and to prevent the further spread of commonly contracted diseases such as leukemia and rabies.
- B. This article authorizes the Animal Control Officer of the Town of Newburgh to assist the Town Board of the Town of Newburgh to implement the intent of this article.
- C. All funds received from the public and contributed to the spay/neuter program reserve account set forth above shall be used exclusively and solely for the program outlined in this article. Nothing contained herein is intended to override, supercede or replace any provisions contained in § 117-A of the Agriculture and Markets Law.
- D. If any part or provision of this article or the application thereof to any person or circumstance be judged invalid by any court of competent jurisdiction, such judgment shall be confined to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances, and the Town Board of the Town of Newburgh hereby declares it would have passed this article or the remainder thereof had such invalid application or invalid provision been impaired.

Town of Newburgh, NY
Friday, October 22, 2021

Chapter 56. Animals

Article III. Licensing of Dogs

[Adopted 11-15-2010 by L.L. No. 9-2010]

§ 56-14. Legislative purpose.

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. 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.

§ 56-15. Dog licensing requirements and procedures.

- A. Licensing of dogs. All dogs within the Town of Newburgh 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 Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Newburgh.
- B. Term of license and renewal. Each license issued shall be valid for a period of one year and shall not be transferrable. A license shall be renewed after a period of one year, with applications for renewal to be submitted to the Clerk beginning with the first day of the month following the date of issuance. Said licenses and renewals thereof shall expire on the last day of the month in the year following the issuance of the license or renewal.
- C. Dogs under four months in age. 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.
- D. License and renewal fees. Every person applying to the Town for a dog license shall pay an annual license fee as set forth in Chapter **104**, Fees, for each dog. For each annual renewal, the fee for the renewal license shall be noted on the renewal form and shall be subject to change by the Town of Newburgh. There shall be no fee charged for the license issued for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog or working search dog. Each copy of the license issued by the Clerk shall be conspicuously marked "Detection Dog," "Guide Dog," "Hearing Dog," "Police Work Dog," "Service Dog," "Therapy Dog," "War Dog" or "Working Search Dog," as may be appropriate, by the Clerk.
- E. State surcharge. In addition to the license fee established by Chapter **104**, each applicant for a dog license shall pay a surcharge of at least \$1 if the dog to be licensed is spayed or neutered, or a surcharge of at least \$3 if the dog sought to be licensed is unaltered or is to be issued a purebred license, to be remitted to the state in accordance with the requirements of the State Agriculture and Markets Law.
- F. License application requirements. Applications for a dog license shall be made to the Clerk.

- (1) The application shall state the sex, actual or approximate year of birth, breed, color(s), municipal identification number of the dog, and other identification makers, if any, and the name, address, telephone number, county and town, city or village of residence of owner and such other information as the Clerk may reasonably deem relevant.
 - (2) 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 is the same is already on file with the Clerk. In lieu of a spay or neuter certificate, the owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case the license fee for the dog shall be the same as for a spay or neutered dog as set forth in Chapter **104**.
 - (3) The application shall be accompanied by a license fee as listed in Chapter **104**.
 - (4) Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.
 - (5) 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.
- G. Transferability. 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.
- H. License required to adopt. No dog can be adopted out of the Town's animal shelter without first obtaining a license from the Clerk.
- I. Purebred licenses. Distinct purebred licenses shall be issued by the Clerk, subject to the payment of the applicable purebred license fee set forth in Chapter **104**. Any and all existing purebred licenses will now be required to comply with this chapter.
- J. Exemption for certain dogs temporarily harbored in the town. Any dog harbored within the Town 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.
- K. Rabies vaccination. The Clerk, as 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.
- L. Enumeration. In addition to the applicable license fees and surcharges, each applicant for a dog license or renewal may be subject to a surcharge to be determined by resolution of the Town Board adopted from time to time, which shall be retained by the Town and used to defray the cost of an enumeration of dogs living within the Town and the cost of providing replacement identification tags.

§ 56-16. Identification of dogs.

- A. Each dog licensed by the Town 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 or harness on the dog at all times. For purebred licenses, the Town may provide the licensee, at his or her expense, the specified number of tags for which fees have been collected pursuant to Chapter **104**, imprinted with the same

identification number as the purebred number, to be affixed to the collar or harness of only a dog owned by the holder of the purebred license and harbored on his or her premises.

- 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 or her 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 following: "Town of Newburgh," "State of New York," a unique identification number and the telephone number of the Clerk's office.
- F. A dog participating in a dog show shall be exempt from the identification requirement of this section during such participation.

§ 56-17. 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.

§ 56-18. Violations and penalties.

- A. Section 118 of the Agriculture and Markets Law establishes violations, penalties and procedures pertaining, among other things, to the licensing and identification of dogs and the furnishing of information on forms and notifications to municipalities. The provisions below are in supplementation and not in substitution of Agriculture and Markets Law § 118.
- B. It shall be a violation, punishable as provided in Subsection **C** 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.
- C. 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.